

CONSCIENCE AND THE
RELATION BETWEEN TRUTH
AND PASTORAL PRACTICE:
MORAL THEOLOGY AND THE
PROBLEM OF MODERNITY

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“[Recent approaches in Catholic moral theology] reject . . . an inadequately conceived *objective law* only to back . . . into a reductive sense of *subjective freedom*.”



The purpose of this article is to ponder the meaning of conscience in moral theology. My question concerns the relation between moral truth and pastoral practice as interpreted in light of *Amoris laetitia* [= *AL*], against the backdrop of *Veritatis splendor* [= *VS*]. Cardinal Marc Ouellet argues that *AL* introduces new pastoral practices while leaving intact the main doctrinal teaching of *VS* regarding “intrinsically evil acts.” Professors Michael Lawler and Todd Salzman [= *L&S*] insist on the importance, in light of *AL*, of recognizing what Josef Fuchs terms the primacy of “subject-orientation” over “object-orientation,” and thus the importance

of the subject's "creative hermeneutic process of understanding" in moral matters. I wish to evaluate the arguments of these theologians in terms of the Catholic tradition and in light of what may be called the problem of modernity, which I understand here to concern the relative priority of subject (subjectivity) over object (objectivity) in the constitution of moral truth.

My contention is that, while Cardinal Ouellet and Professors Lawler and Salzman differ regarding whether *AL's* pastoral practices undercut or uphold the doctrinal teaching of *V'S*, their arguments (along with that of Fuchs) all tend *logically* toward an inadequate view of the nature and priority of human subjectivity in their understanding of moral action, a view that undermines the proper objectivity of moral truth. Their arguments, each in its own way, presuppose the "extrinsicist" relation between subject and object that is characteristic of the modern Catholic approach to moral theology and exemplified in "manualism." The context of my reflection is nicely indicated in the words of Fr. Servais Pinckaers in his now-classic work, *The Sources of Christian Ethics*:

It is all too easy to say that today the era of the manuals is over and to take an opposite stand, pronouncing ourselves systematically in favor of freedom and conscience as opposed to law and authority. In so doing, we would be caught in the very spiral of the specific categories of moral theology that we wish to critique, notably the opposition between law and freedom. We should only be contributing to the destruction of moral theology and unsettling the foundations which assure its firmness and stability.¹

The burden of my argument is that the authors named above, who represent a prevalent tendency in contemporary moral theology, are indeed caught in this "spiral of specific categories of moral theology" that needs to be criticized. These authors rightly wish to overcome modernity's "opposition between law and freedom," but—I will argue—they do so in a way that leaves intact the terms that generate this false opposition in the first place. They reject what they (properly) see is an inadequately

1. Servais Pinckaers, OP, *The Sources of Christian Ethics* (Washington, DC: The Catholic University of America Press, 1995), 279.

conceived *objective law* only to back (logically, if unintentionally) into a reductive sense of *subjective freedom*.

In a word, the “objectivist” horizon characteristic of the modern Catholic moral theory rightly criticized by the authors cited assumes in their work a horizon of “subjectivism.” Their criticism does not transform modernity; on the contrary, it repeats modernity in dialectically inverse form.

My purpose, then, is to show the ways in which the extrinsicist understanding of the subject-object relation characteristic of modern Catholic moral theology continues to operate in the dominant criticisms of this theology. I will consider especially criticisms that emphasize the novelty of *AL* with respect to *VS*. My intention is to clarify the sense in which the prevalent interpretations of *AL*, especially of its pastoral proposals, leave modernity’s extrinsicism in place, yielding what thus remains an insoluble tension between “subjectivism” and “objectivism” (in favor of the former) in the constitution of moral truth. I will argue at the same time that *VS*, rightly understood, integrates subjectivity and objectivity in a way that genuinely renews traditional Catholic moral teaching, while resolving the false dilemmas that plague modern moral theory, and incorporating the rightful awareness of the subject intended in *AL*.

We will treat the arguments of Cardinal Ouellet in relation to *VS* in section I, and set forth those of moral theologians Lawler, Salzman, and Fuchs in section II, demonstrating how each of these thinkers in his own way embraces what may be termed an extrinsicist conception of the relation between the subject and the object of moral action. In section III, relying on the work of Pinckaers, we will show the roots of this extrinsicism in the dilemmas generated in the work of modern Catholic moralists—the “manualists” of the seventeenth century, for example—in forgetfulness of patristic-medieval theology. In section IV, we will discuss conscience and the human person’s primitive awareness of God and moral truth as conceived in the Christian tradition and presupposed in *VS*. Section V will demonstrate the grave implications of the views of the theologians discussed in sections I and II for our understanding of reality (human being, God, and the Church), as well as for the integrity of both doctrinal teaching and pastoral practice as consistently affirmed in historic Christianity.

I. RECENT MORAL THEOLOGY (A)

In a recent article, Cardinal Ouellet engages the question of conscience and the “ideal” in light of *AL*.² Stating that he wishes to set “aside right from the start the objection taken from the encyclical *Veritatis splendor* and its assertion that there are ‘intrinsically evil acts’ that can never admit of exceptions,” Ouellet affirms that:

AL does not distance itself from *VS* with respect to the question of determining the objective morality of human acts and of the fundamental role of conscience as a “witness” to the divine law inscribed in the depths of each person. *AL* complements *VS* by noting the way this conscience can be clouded by factors that influence one’s knowledge of moral norms and one’s will to follow them, thus, according to Church doctrine, affecting the subjective imputability of wrong acts (*AL*, 301–06). Adultery is always objectively a grave sin, according to the divine law, but it cannot be perceived as such by a conscience that has been led into error by multiple factors which a magisterial declaration alone cannot dispel. It is thus necessary to “discern” the actual state of conscience of the concrete person, in a real personal dialogue, and not simply to stop at communicating the objective truths which ought ideally to determine their moral choices, as if these truths were perfectly obvious things which they ought in some way already to know. *VS* reaffirms a basic doctrinal point, whereas *AL* teaches us how to accompany, discern, and shape decisions in conscience in the concrete circumstances of life.³

2. Marc Ouellet, “Accompanying, Discerning, Integrating Weakness,” *L’Osservatore Romano*, November 21, 2017, <http://www.osservatoreromano.va/en/news/accompanying-discerning-integrating-weakness> (hereafter cited as AD). See also Marc Ouellet’s “A Missionary Gaze,” *L’Osservatore Romano*, November 8, 2017, <http://www.osservatoreromano.va/en/news/missionary-gaze> (hereafter cited as MG). I should say that Ouellet in these articles is focused on conscience and moral truth and practice specifically in the context of *AL* and the question of reception of Communion by those in “irregular” marital situations. The present article concerns the problem of truth and pastoral practice more broadly. It is intended as a companion to my forthcoming “Modernity and the Teaching of *Humanae Vitae* and *Veritatis Splendor*: A Reflection on the ‘Ideal,’” in *The Body as Anticipatory Sign: Commemorating the Anniversaries of Humanae Vitae and Veritatis Splendor*, ed. David S. Crawford (Washington, DC: Humanum Academic Press, 2020).

3. AD. Ouellet says, more generally, that he is taking up “the disputed question of marriage and family from a new point of view, one that is entirely

Thus Ouellet affirms that some acts (for example, adultery) are always objectively—intrinsically—wrong. While granting this, however, he says that this objective evil cannot always be perceived as such by a conscience that has not (yet) been properly formed. The moral truth in matters concerning adultery, in other words, can in some situations be obscured by subjective–historical factors that limit one’s ability to judge properly. In this case, the norm meant to govern moral action in such cases does indeed retain its objective truth. The relevant point, however, is that this objectively true norm remains “ideal,” something that does not yet morally obligate the subject here and now. Our pastoral approach needs to begin “solidly with people’s lived experience” (AD). The right response of priests or moralists in such a context, in other words, is not simply to communicate “the objective truths which ought ideally to determine their moral choices, as if these truths were perfectly obvious things which they ought in some way already to know.” On the contrary, they need to accompany persons, helping them “discern and shape decisions in the concrete circumstances of their lives.” In this accompanying process, pastors must avoid “substitut[ing] [them] selves for [these persons] in their choice which they judged in conscience to be good.”⁴ We must rather encourage these persons “to aim for the ideal to be followed but also to follow their own conscience in the process of discernment,” which may mean making “some provisional or intermediate decisions.” Such decisions, “while not always in keeping with the [sacramental] discipline, may be tolerated so to speak for a time while a greater maturity is awaited.”⁵ This toleration, says Ouellet, derives

pastoral but in continuity with the doctrinal givens of the past, confirming them explicitly and proposing a new pastoral method” (Ibid.).

4. Ibid. Cf. *AL*, 37, 303.

5. AD. Here Ouellet refers to “an approach that accompanies persons’ discernment with attention to a rightly ordered conscience and affections so that discernment, both personal and ecclesial, might truly lead to a decision that favours the good and that is possible here and now—even if, in the case of objectively irregular situations, there is still progress to be made towards the full attainment of God’s will, and full integration into the sacramental life of the community.” Ouellet makes his argument in terms of what he says is “the charism of accompaniment and discernment developed by St. Ignatius of Loyola in his *Spiritual Exercises*,” and says that his description “is based on a concrete and personalist anthropology that

not from a change in the moral norm but from a more flexible application of it, “out of charity for a conscience that is not yet fully formed with respect to the decision to be taken.” The point, in sum, is to respect the moral subject as he grows in the maturation of his conscience—a respect that must not lose “sight of the ‘ideal’ of total fidelity to the Gospel,” which “is not an abstraction hovering far above people and situations, but refers ultimately to the person of Christ.” Ouellet insists that, when read in light of the above argument, *AL* stands in continuity with the Second Vatican Council, *VS*, and the pontiffs preceding Francis since that council—as long as we rightly incorporate the perspective of the “law of gradualness.”⁶

In sum, Cardinal Ouellet suggests that the novelty of *AL* lies in the fact that it *receives* while *complementing in a significant way* the teaching of *VS*. He says that the *main doctrinal burden* of *VS*—that some acts are of their very nature intrinsically morally evil—is essentially compatible with the *pastoral perspective* of *AL*. Such acts, in other words, while *objectively* evil (*evil in se*), may well *not* be perceived as such by the moral *subject* because of the unique historical conditions that have shaped him to this point. In such a case, the good that “should” have been chosen remains *ideal* with respect to the *developing capacities of the agent*.

We begin by focusing issues that arise *prima facie* in Ouellet’s argument relative to *VS*.

(1) Ouellet says that we cannot presume to judge properly a person’s moral actions or decisions because the existential conditions of his life may leave him subjectively

refers back to the general guidelines of the Apostolic Exhortation, *Evangelii Gaudium*.”

6. AD. Ouellet’s article discussed in the present essay, however, tends to conflate the “law of gradualness” with what *Familiaris consortio* [= *FC*] calls the “gradualness of the law.” *FC* affirms the importance of the former, while explicitly rejecting the latter. The “gradualness of the law” functions as though “there were different degrees . . . of precepts in God’s law for different individuals and situations,” and tends to “look on the law as merely an ideal to be achieved in the future” (*FC*, 34). Consistent with *FC*, *VS* affirms in contrast that some acts are always intrinsically evil, independent of circumstances; that, while certain factors may diminish subjective culpability, such acts still remain evil by virtue of *their inner nature*—or *species*. Reduction in culpability, that is, does not entail a change in the species of the act, even for the subject of the act, and granting his sincerity (cf. *VS*, 79, 80, 81).

unable to perceive the evilness of the act. *VS*, however, rejects the view that:

By taking account of circumstances and the situation, [we] could legitimately [recognize this history as] the basis of certain exceptions to the general rule and thus permit [one] to do in practice and in good conscience what is qualified as intrinsically evil by the moral law. A separation, or even an opposition, is thus established in some cases between the teaching of the precept, which is valid in general, and the norm of the individual conscience, which would in fact make the final decision about what is good and what is evil. (56)⁷

VS says further that such an approach is often used “to legitimize so-called ‘pastoral’ solutions contrary to the teaching of the Magisterium, and to justify a ‘creative’ hermeneutic” according to which the moral conscience is not always obliged “by a particular negative precept” (56). The encyclical insists, in a word, that conscience is essentially a “witness,” and not “creative,” with respect to the discernment of moral norms (56–57). Ouellet for his part tends to obscure this “witness” character in favor of a “creativity” that is a function of the subjective-historical state of a person’s moral journey.

Furthermore, “it would be an error to conclude . . . that the Church’s teaching is essentially only an ‘ideal’ which must then be adapted, proportioned, graduated to the so-called concrete possibilities of man, according to a ‘balancing of the goods in question’” (103).

(2) Regarding “intrinsically evil acts” and the question of their imputability to the moral agent, *VS* holds that such acts are always and everywhere evil by virtue of their *kind*—their species or “object” (79). This does not mean that the subject or agent of these acts is always culpable (cf. *VS*, 63), or is necessarily able to judge the precise degree of his culpability. It means—pertinent to Ouellet’s argument—that, even if the act is not necessarily imputable to the moral agent, it “does not cease

7. Cf. *VS*, 55, which rejects a reading of conscience that would unduly emphasize the complexity “related to the whole sphere of psychology and the emotions, and to the numerous influences exerted by the individual’s social and cultural environment.”

to be an evil, a disorder in relation to the truth about the good” (63): it remains evil “always and *per se*, . . . on account of [its] very object, and quite apart from the ulterior intentions of the one acting and the circumstances” (80). Furthermore, such acts cannot perfect a person or contribute to his moral growth.⁸

Ouellet’s argument thus rests on a confusion. The issue on which he focuses—whether the moral agent is (subjectively) culpable—is of course important, but it is not the main point of *VS*. Indeed, the cardinal’s focus on subjective culpability misses what *is* the main point of the encyclical, which is to show that there are human acts that remain “intrinsically evil,” even for those whose historical state makes it difficult to perceive this fact. To be sure, in such a case the subject’s culpability may be reduced, but the moral norm does not thereby become merely “ideal.”

(3) Ouellet differs from *VS* regarding the nature and depth of conscience. The encyclical speaks of the “voice of God,”⁹ the “attractiveness of the good,”¹⁰ and indeed of the demand of obedience to the “objective norm,”¹¹ all of which it takes to be built into the root meaning of conscience. *VS* affirms that, “in the depths of his conscience,” man “detects a law which he does not impose on himself, but which holds him in obedience.

8. Cf. *VS*, 63, 80. See *VS*, 81:

If acts are intrinsically evil, a good intention or particular circumstances can diminish their evil, but they cannot remove it. They remain “irremediably” evil acts; *per se* and in themselves they are not capable of being ordered to God and to the good of the person. “As for acts which are themselves sins” (*cum iam opera ipsa peccata sunt*), Saint Augustine writes, “like theft, fornication, blasphemy, who would dare affirm that, by doing them for good motives (*causis bonis*), they would no longer be sins, or, what is even more absurd, that they would be sins that are justified?”

Consequently, circumstances or intentions can never transform an act intrinsically evil by virtue of its object into an act “subjectively” good or defensible as a choice.

9. *VS*, 56, 58. Cf. also *Gaudium et spes* [= *GS*], 16.

10. *VS*, 60.

11. “[T]here is profoundly imprinted upon it a principle of obedience vis-à-vis the objective norm which establishes and conditions the correspondence of its decisions with the commands and prohibitions which are at the basis of human behavior” (*VS*, 60).

For man has in his heart a law written by God.”¹² *VS* affirms that the “interior *dialogue of man with himself* can never be adequately appreciated” (58). But it insists that this dialogue is at the same time “a *dialogue of man with God*, the author of the law, the primordial image and final end of man” (58). “[C]onscience bears witness to man’s own rectitude or iniquity to man himself but, together with this and indeed even beforehand, *conscience is the witness of God himself*, whose voice and judgment penetrate the depths of man’s soul calling him *fortiter et suaviter* [firmly and gently] to obedience. . . . In this, and not in anything else, lies the entire mystery and the dignity of the moral conscience: in being the place, the sacred place *where God speaks to man*” (58, emphasis added).

Ouellet’s insistence on the need for sensitivity to the unique circumstances of each person’s moral journey—important in principle, to be sure—tends nonetheless to obscure this objectively-informing presence of God in the origins and abiding nature of conscience, as well as the essentially receptive-participatory—or “witness”—character of conscience vis-à-vis this presence.

(4) *VS* recognizes that conscience can make “erroneous judgments” while remaining “invincibly ignorant” (62). A person must obey his conscience, and, even if he errs in doing so, conscience retains its dignity (GS, 16). The claim of “invincible ignorance,” however, according to GS, can become a complicated matter in the case of a person “who cares but little for truth and goodness, or for a conscience which by degrees grows practically sightless as a result of habitual sin” (16). Furthermore, “the moral value of an act performed with a true and correct conscience” is never equivalent to “an act performed by following the judgment of an erroneous conscience” (*VS*, 63). It is important to understand in any case that, even if a person who does evil sometimes remains inculpable for his act, this act “does not cease to be an evil, a disorder in relation to the truth about the good” (63).

Ouellet does not mention or engage the important qualifiers indicated here regarding the issue of “erroneous judgments” and “invincible ignorance.”

12. *VS*, 56 (citing GS, 16). Cf. Rom 2:14–16.

(5) The Church, when she “pronounces on moral questions,”

in no way undermines the freedom of conscience of Christians . . . [T]he Magisterium does not bring to the Christian conscience truths which are extraneous to it; rather it brings to light the truths which it ought already to possess, developing them from the starting point of the primordial act of faith. The Church puts herself always and only at the *service of conscience*, . . . helping it not to swerve from the truth about the good of man, but rather, especially in more difficult questions, to attain the truth with certainty and to abide in it. (*VS*, 64)

Cardinal Ouellet’s argument fails to take sufficient note of the profound role the Church can and must play in *forming* the consciences of Catholics.

(6) Finally, the Church does not and must not fail to assist Christians facing difficult situations in regard to questions of moral truth—when, for example, these situations concern irregularities concerning marriage and divorce. On the contrary, the Church simply insists that genuine love and compassion for the person in such situations cannot be detached from his true good or authentic freedom: love and the truth about the good are indissoluble; they bear a primitive unity that must never be fractured. *VS* states that genuine understanding must include:

[L]ove for the person, for his true good, for his authentic freedom. And this does not result, certainly, from concealing or weakening moral truth, but rather from proposing it in its most profound meaning as an outpouring of God’s eternal Wisdom, which we have received in Christ, and as a service to man, to the growth of his freedom and to the attainment of his happiness. (95)

The encyclical further insists that:

[A] clear and forceful presentation of moral truth can never be separated from a profound and heartfelt respect, born of that patient and trusting love which man always needs along his moral journey, a journey frequently wearisome on account of difficulties, weakness, and painful situations. The Church can never renounce “the principle of truth

and consistency, whereby she does not agree to call good evil and evil good"; [but] she must always be careful not to break the bruised reed or to quench the dimly burning wick (cf. Is 42:3). As Paul VI wrote: "While it is an outstanding manifestation of charity towards souls to omit nothing from the saving doctrine of Christ, this must always be joined with tolerance and charity, as Christ himself showed by his conversations and dealings with men. Having come not to judge the world but to save it, he was uncompromisingly stern towards sin, but patient and rich in mercy towards sinners." (95)

The problem is that Cardinal Ouellet's rightful emphasis on compassionate accompaniment of those struggling with moral issues does not maintain the essential unity of truth and human subjectivity in our moral journey. His argument fails to make sufficiently clear that moral commandments are never first or most properly burdensome for the moral subject. On the contrary, they indicate demands that are tied to and express the order of love in which the human heart from its depths participates—and most profoundly seeks to realize. Fulfillment of the commandments relieves our sense of burden by yielding ever-deeper meaning and joy in our lives ("my yoke is sweet and my burden is light" [Mt 11:30]).

II. RECENT MORAL THEOLOGY (B)

(1) In a 2015 article, American theologians Michael Lawler and Todd Salzman describe in summary fashion two opposing approaches to conscience.¹³ The first approach (adopted by Germain Grisez, for example), they say, "holds that the only way to form one's conscience is to conform it to the teaching of the church." No appeals to experience or scientific arguments or even the belief of the whole world can "override the Church's clear

13. Michael G. Lawler and Todd A. Salzman, "Following Faithfully: The Catholic Way to Choose the Good," *America*, January 22, 2015; reprinted on February 2, 2015, <https://www.americamagazine.org/issue/following-faithfully>. Cf. also "Amoris Laetitia and the Development of Catholic Theological Ethics: A Reflection," in *A Point of No Return? Amoris Laetitia on Marriage, Divorce, and Remarriage*, ed. Thomas Knieps-Port le Roi (Berlin: Lit Verlag, 2017), 30–44.

and firm teaching.” According to L&S, this view is implied in John Paul II’s *FC* as well as *VS*. In contrast, theologian Bernard Häring stresses “man’s innermost yearning toward wholeness,” while insisting that “the church must affirm the freedom of conscience *itself*.” In reality, the “judgment of conscience comes at the end of a rational process of experience, understanding, judgment and decision,” while including a “natural, innate grasp of moral principles” that Aquinas calls *synderesis*. Every judgment of conscience involves a grasp of first principles, like “good is to be done and evil is to be avoided,” even as discerning what this means demands “the gathering of as much evidence as possible . . . and finally making as honest a judgment as is humanly possible.” There are thus two poles in every moral judgment:

It is always a free, rational human person or subject who makes a judgment, so one pole of the judgment is a subjective pole; but every judgment is about some objective reality—poverty or sexual activity, for instance—so there is always also an objective pole. The subject arrives at his or her moral judgment either by following the rational process outlined above or by negligently shortchanging that process.

If one is negligent in following the rational process, one’s judgment may be *culpably ignorant*; if one follows the rational process, one’s judgment is “invincibly ignorant” and “*must* be followed, even [if] contrary to ecclesiastical authority” (emphasis added).

The authors make two final points. First, they add that “the morality of an action is largely, though not exclusively, controlled by intention.” Second, they emphasize that “conscience” means “knowing together,” and that the search for moral truth involves being in company with others and is thus properly understood as communal—thereby protecting against egoism and “personal relativism.” They point out in this context, however, that, in emphasizing community, we must remain aware of the difference between the models of the Church—as hierarchical institution, on the one hand, and communion or the people of God, on the other. The former demands obedience in the search for moral truth, while the latter emphasizes dialogue and consensus.

L&S develop their argument further in a 2016 *National Catholic Reporter* article.¹⁴ Again they present two opposing views of conscience. On the one hand, according to what they call the “first formulation,” conscience and moral norms are seen as matters, respectively, of subjectivity on the one hand, and objectivity, on the other. That is, “objectivity is consigned to the objective norm ‘in itself,’ ‘external’ to conscience. These objective norms exist outside the subjective conscience.” Conscience, then, has an innate natural grasp of moral principles such as “do good and avoid evil”; and these principles are formulated into objective norms, such as “do not steal,” which are to be applied in terms of deductive syllogisms. Key in this approach is that “conscience’s freedom is relegated to obedience to external objective norms (or authority), and the dignity of conscience depends on whether or not one’s judgment of conscience coincides or does not coincide with the objective norms.” Only if the act coincides with objective norms is it “right and moral”; if it does not coincide, it is “wrong and immoral.”

In contrast, the “second formulation”—that adopted by the authors—understands conscience itself to involve both subjective and objective dimensions—what moral theologian Fr. Josef Fuchs calls the subject-orientation and object-orientation of conscience. “Conscience as subject-orientation is the ontological affirmation of the intrinsic goodness of the human person created in the image and likeness of God and an invitation to enter into profound relationship with God and neighbor” (citing GS, 16). “This is where God’s voice echoes in the depths of the human heart” (citing GS, 16), drawing a person to the absolute. Here the first principles of practical reason are self-evident in the very nature of that moral knowledge, “summoning him to love good and avoid evil.” Conscience as object-orientation, on the other hand, “concerns the material content of the function of conscience” and indicates how we are to relate in the world. We respond to this world “by acknowledging ‘the imperatives of the divine law through the mediation of conscience’” (citing

14. Michael G. Lawler and Todd A. Salzman, “In *Amoris Laetitia*, Francis’ Model of Conscience Empowers Catholics,” *National Catholic Reporter*, September 7, 2016, <https://www.ncronline.org/news/theology/amoris-laetitia-francis-model-conscience-empowers-catholics>.

Dignitatis humanae, 3). Conscience as objective-orientation, then, “gathers as much evidence as possible, consciously weighs and understands the evidence and its implications, and finally makes as honest a judgment as possible that this action is to be done and that action is not.”

Although both these levels of conscience are essential, say L&S following Fuchs, “subject-orientation” has logical priority over “object-orientation.” The authors summarize:

The essential point for conscience as object-orientation is the relevance of the objective norm from the perspective of the inquiring subject in light of the understanding of all the circumstances in a particular historical cultural context. The implication of this perspective on the relationship between conscience as object-orientation and objective norms is that conscience should be guided by those norms but the authority of conscience is not identified with whether or not it obeys the objective norm.

The crucial point for L&S is thus that authority in ethical judgments is shifted from the objective norm to conscience as “object-orientation,” which includes the objective norm *as well as* the subjective “process of understanding, judgment, and decision of conscience.” The objective norm remains one, *but only one*, of the criteria involved in the subject’s making a sound moral judgment of conscience. In this context, our authors distinguish a “man-in-relationship-to-law” model of conscience (Grisez), on the one hand, from a “restless heart-toward-God” model (Häring), on the other—while favoring the latter. Such a reading of conscience, say L&S, reflects the judgment of Pope Francis in *AL* that the Church is called “to form consciences, not to replace them.” Citing Francis in *Evangelii gaudium* [= *EG*], the authors emphasize that we must not allow ideas to “become detached from realities,” thus making “objectives more ideal than real” (*EG*, 231). In this context, L&S reference sociological surveys that show

the vast disconnect between the objective norms of the Magisterium on sexual ethics . . . and the perspectives of the Catholic faithful. According to these surveys, the majority of educated Catholics judge [that] these norms are detached from reality, and Catholics are following

their consciences to make practical judgments on these and other moral matters.

The insistence that each person make up his or her own mind, say the authors, does not imply “an endorsement of relativism”; on the contrary, it is simply “an affirmation of objective truth that recognizes plural and partial truths that must be discerned by conscience informed by, among other sources, external, objective norms.” Pope Francis’s model, they say, is much more in line with the “restless heart-toward-God” model than with the “man-in-relationship-to-law” model, and it also contrasts with the view of conscience of Francis’s two predecessors as pope. In the end, L&S insist (referring to *AL*, 300–05), the only adequate approach to the problem of morality is “careful discernment accompanied by a priest and final judgment of personal conscience that commands us to do this or not do that.”

(2) As indicated, L&S’s argument draws in significant ways from theologian Josef Fuchs. Since Fuchs’s theology was widely acknowledged to exemplify the sort of position that *VS* meant to critique, it will be helpful to describe it further. Fuchs is emphatic that subjectivity and objectivity cannot be separated if we are to reach an adequately conceived moral judgment: “In finding moral truth, no one is without a relationship to society and to its past and his own. It is precisely, therefore, the hermeneutic translation into the here and now, which excludes both an ‘objectivistic’ subsumption under norms and an isolated ‘subjectivism,’ that is always needed.”¹⁵ He elaborates:

[M]oral theology in the past (after L. Molina) tried to understand and determine right human behavior by arguing from the concept of the “nature of things”—as, for instance, in the areas of sexuality, marriage, life, person. It still does this in a certain fashion even today, both in the area of normative moral truths and in the area of moral truth (in the singular). This is evident especially in the formula (belonging to a special understanding of natural law) “from the nature of the matter” (*ex natura rei*). That persons are essentially interpersonal and that interpersonality belongs

15. Josef Fuchs, “Moral Truth—Between Objectivism and Subjectivism,” in *Christian Ethics in a Secular Arena* (Washington, DC: Georgetown University Press, 1984), 36.

to their constitution, and that interpersonal and societal relationships are not just something added to “being a person,” and that, furthermore, particular realities have their true meaning only in the personal-interpersonal realm (so that only within this realm does the relationship between the different goods and values have its definitive meaning)—all this is highly important both in finding normative moral truths and in finding concrete moral truth. It is not possible to discover moral truth only “from the nature of the matter” in the already mentioned sense, for such a procedure eliminates not only subjectivism but all involvement of the subject. It is, therefore, ultimately objectivistic and favors an objectivistic application in the concrete personal situation, as if one were dealing simply with a quantitative problem. So the hermeneutic process is short-circuited, and the true discovery of moral truth is impeded. (37–38)¹⁶

And further:

Normative moral truths are never accessible “purely in themselves,” and are therefore never “subject-free,” independent of the subject, because we can attain them in principle only through our own active (and in this sense, “creative”) understanding and judging. The same must be said about concrete moral truth in the singular. Furthermore, moral truths and moral truth are, objectively and practically, intrinsically related to one another, and, at least to a large extent, subjectively as well. Therefore the application of moral truths to the concrete personal situation in searching for moral truth is likewise not subject-free. So it should not be misconstrued through an objectivistic interpretation. It occurs in a creative hermeneutic process of understanding and translation. (40–41)

16. Fuchs later states: “Insofar as normative moral truths about the realization of human reality and the world are abstract, they reflect human reality but not its unique concrete fullness as such. Thus these truths can be truly helpful in determining moral truth and can sometimes determine moral truth in a decisive way. But they can (and often do) indicate moral truth only inadequately, and, furthermore, despite the words used, they cannot truly correspond to the concrete reality. The multiplicity of possibilities is clear if we take into account the fact that the person, with his various relationships, becomes real in the process of evolution and historical development” (40).

Elsewhere,¹⁷ Fuchs writes that

the human person . . . can arrive at his ethical judgments only on the basis of the knowledge, the plausible hypotheses and the experience which he has *in the concrete circumstances*; but these are subject to a process of change. Ethical pluralism is the necessary consequence of this; and yet the various results can be right, with total objectivity, in the entirety of the real world (and not of an abstract ideal world). . . . Of course, it is true, according to some interpretations of natural law, that moral frameworks and solutions to problems can be “read” objectively as given in “nature” or in the “heart.” But such positions forget the fact that nature and heart are always already interpreted and valued by us. (704)

Fuchs says in light of the above that “a moral judgment which is without exception and universally valid seems . . . unlikely, both because it depends upon a specific interpretation and valuation and because it cannot possibly take into account all possible variations and interpretations of the human reality so judged” (705). The author appeals to GS, which emphasizes the active subjectivity of the conscience that is obliged to seek “objective norms of morality” (GS, 16).

Finally, as already indicated in our discussion of L&S, Fuchs affirms¹⁸ the logical precedence of “subject-orientation” over “object-orientation” (124), and says this entails the “primacy of moral goodness as opposed to moral correctness in the world” (132). “Moral goodness, being personal, is exclusively something existing within the subject (conscience), as is likewise the ‘moral truth’ and the ‘moral decision’ which exist and take place internally: the latter refers not to a truth ‘in itself’ but to a truth ‘in myself’” (125). Fuchs claims support for this argument in Aquinas’s distinction (following Aristotle) between “the objective correctness” of an action, on the one hand, and “the correct moral orientation applied by the acting subject” (*appetitus*

17. Josef Fuchs, “The Absolute in Morality and the Christian Conscience,” *Gregorianum* 71, no. 4 (1990): 697–711.

18. Josef Fuchs, “The Phenomenon of Conscience: Subject–Orientation and Object–Orientation,” in *Christian Morality: The Word Becomes Flesh* (Washington, DC: Georgetown University Press, 1981), 118–33.

rectus), on the other (125–26). “It is obvious,” says Fuchs, “that here Aquinas has in mind the concept of ‘moral truth’ as personal goodness which exists exclusively in the person, i.e., in the decisions made in accordance with the conscience” (126), reminding us again of the “fundamental difference between conscience’s primary subject-orientation and the secondary object-orientation” (123). Fuchs insists that “moral norms from outside offer basically nothing more than assistance—real assistance, but nevertheless merely assistance—in the assessment of morally correct decisions made in the conscience” (130–31).

In conclusion, Fuchs states that “within the sphere of Christian ethics the focus should be placed, above all, on the primacy of moral goodness as opposed to moral correctness in the world, and that proportionate focus should be placed on the primacy of the conscience’s subject-orientation as compared with its object-orientation” (132). The issue, in a word, is finally not a matter of someone “acting in a morally correct way in our human world, but of acting according to what the conscience recognizes as being right” (126)—and here Fuchs claims the agreement of Aquinas.

III. MODERN MORAL THEOLOGY CONTRASTED WITH THE PATRISTIC-MEDIEVAL TRADITION

The arguments of the authors discussed in the preceding section contain differences among themselves that are not insignificant. Cardinal Ouellet for his part insists that the novelty of *AL* lies in the weight it places on pastoral practices, which indeed he understands to complement—leave intact, not threaten—the doctrinal teaching of *VS*. In contrast, L&S rely fundamentally on thinkers like Fuchs whose approach to moral theology helped precipitate the writing of *VS* in the first place. My contention is that, despite the different contexts and emphases of their arguments, these authors all continue to hold a common theological-anthropological position that logically calls into question the main teaching of *VS*.

Ouellet insists on the fact that the ideal aimed at with respect to contraception or adultery really does bear an objective truth toward which the moral agent really does need to

move. L&S on the contrary insist that “conscience should be guided by [objective] norms,” but that “the authority of conscience is not identified with whether or not it obeys the objective norm”; and Fuchs holds that moral truth resides, “not in the objective correctness” of an action, but rather in “the correct moral orientation applied by the acting subject.” The “objective norm” is thus for all of these thinkers one of the criteria involved in arriving at a truly conscientious judgment, but this criterion needs to be weighed by the subject in light of his particular historical circumstances; and these latter might well, according to each of the authors in his distinct way, be decisive for the subject in occluding or overriding the truth contained in the “objective” moral norm. Granting such differences between Ouellet and the others in certain (not unimportant) respects, however, we will argue that these theologians all accord the wrong sense of priority to subjectivity over objectivity in their respective conceptions of moral action—and specifically in terms of the place of conscience in moral judgment. Each intends to overcome what according to them is a false objectivity in the approaches to morality developed in modern Catholic theology, while avoiding relativism (as they understand this). Despite this intention, however, I will argue that they all fail as a matter of principle to escape the terms of modern moral theology that force these exclusive (“objectivist” and “subjectivist”) tendencies in the first place.¹⁹

The fundamental issues that need to be raised with respect to the authors discussed have roots in the patterns of modern—fourteenth to seventeenth century—moral theology as ably described and criticized by Pinckaers.²⁰ As he shows, modern Catholic moralists rest their teaching on reductively conceived poles of freedom and law. Freedom is a matter of an originally empty subjectivity, while the demands of the moral law come from outside man and are thereby approached primarily as (objective) impositions. The moral theory of modern theologians thus rests on a simple polarity of law (conceived reductively in terms of obligation), on the one hand, and freedom

19. Cf. the statement by Pinckaers cited in footnote 1 of the present article.

20. Pinckaers, *The Sources of Christian Ethics*, especially chap. 10 and 11.

(conceived reductively as lacking any primitive participation in the truth and the good created by God), on the other.

The authors discussed above, in their treatment of conscience and the moral law, fail to transform this extrinsic relation between the subject and the object of moral action as conceived in modern theology. Conscience remains for them that of a historical subject who is on-the-way to moral truth, but not already informed, in his *original constitution as subject*, by a truth *objectively given* by the Creator—and in which the subject begins to *participate from the beginning of his existence*, and hence *by nature*.

In their efforts to incorporate a more historically sensitive human subjectivity into moral theology, in a word, the authors discussed fail to question with sufficient radicality the terms that frame the modern moral-theological horizon. Rather, they *react* to these terms, in a way that repeats modernity's dualism of subject and object while giving this dualism a dialectically inverse form that now favors what may be properly named "subjectivism."

After briefly summarizing Pinckaers's argument regarding modern moral theology (1), I will highlight some texts from the ancient-medieval tradition that indicate the historical-theological horizon lacking in the authors presented above (2), while clarifying the inadequate notion of nature operative in their arguments (3).²¹

(1) The God of modernity is transcendent but remains essentially distant, ordering worldly beings from outside. Moral law is imposed from without; it is not at the same time an interior order indicating what I myself, by nature, participate in and desire by virtue of God's creative initiative. God's creative power is viewed as essentially (effective) power, unintegrated by and into his simultaneous communication of goodness and truth. God's law in this context takes on the character of a burden because, being communicated simply *from outside*, it needs to be appropriated first of all by man's own power—*without the participatory "power"* of a love already implanted in my nature in God's act of creating me.

21. The description of modernity that follows in the next few paragraphs contains portions from my companion article, "Modernity and the Teaching of *Humanae Vitae* and *Veritatis Splendor*," cited in footnote 2 above.

Pinckaers's criticism of modern moral theology is of fundamental importance in this context. Noting the decisive influence of William of Ockham, he traces how what he calls the "explosion of nominalism" in the fifteenth through seventeenth centuries changes the essential structure of moral theology characteristic of the ancient Christian tradition up through St. Thomas. Morality as conceived in this earlier tradition involves the embrace of truth and love, and therefore love is not merely a subjective phenomenon. Of its nature, love bears "objective demands."²² A new conception of human action—centered in what Pinckaers terms "freedom of indifference"—and a correspondingly new concept of a transcendent God, understood in terms of omnipotent and inscrutable freedom, emerged in modernity. This new way of understanding set aside natural inclinations and de-emphasized the virtues, favoring a moral law that now stressed obligation.²³ With this, Pinckaers states, "a chasm was fixed between modern moralists and patristic tradition" (253). The crucial point was that modern ethics assumed the "internal logic of a morality of obligation" (266), which indeed veered toward positivism, making obligation a matter of God's arbitrary will. Conscience (in a reduced sense) replaced the virtue of prudence (268); and modern moral theory became a conscience-centered casuistry (271–72).

In light of Pinckaers's discussion, we may say that the structural poles of modern Catholic moral theory became an *objectivistic law* understood as a matter of obligation drained of any participation in the generous power of God's truth and goodness and love, coupled with a *subjectivistic freedom* (freedom of indifference) marked by an extrinsic relation to this same law whose obligatoriness was inadequately integrated into the generous power of God. The result was that the burdensomeness of the moral law was now due to the law itself and its obligatoriness, which no longer presupposed an inner-natural participation in God's communication of goodness and truth.

22. Pinckaers, *The Sources of Christian Ethics*, 209. See especially chap. 8, "The Patristic Period."

23. *Ibid.*, 140–53. The conception of the moral law as thoroughly a matter of obligation is epitomized in the eighteenth century ethical theory of Kant.

(2) In contrast to the modern tendencies described by Pinckaers, we will cite several texts from the theological tradition reaching back to the Gospel and the patristic-medieval periods that support his argument, by indicating the ways that the human subject's moral action is ever initiated and informed by an object that attracts. First of all, according to St. Paul, "when Gentiles who have not the law do by nature what the law requires, they are a law to themselves, even though they do not have the law. They show that what the law requires is written on their hearts, while their conscience also bears witness" (Rom 2:14–15). St. Basil says that "the love of God is not . . . imposed on us from outside, but is constitutively established in us," and he likewise refers to "the spark of divine love that is hidden in us."²⁴ St. Augustine says that God is simultaneously "higher than my highest self and *more intimate to me than I am to myself (intimior intimo meo)*"²⁵; and that "[o]ur heart is restless until it rests in God."²⁶ St. Thomas affirms that "all cognitive beings know God implicitly in any object of knowledge."²⁷ "Because God is the last end, He is sought in every end."²⁸ Again: "In desiring to be, things implicitly desire a likeness to God and God himself"²⁹; and that "every agent acts for an end under the aspect of good."³⁰ Aquinas also says that "the appetite is a mover moved,"³¹ thus affirming that the appetite *actively moves as anteriorly responsive* to the good. He

24. Cited in Joseph Ratzinger, *On Conscience: Two Essays* (San Francisco: Ignatius Press, 2007), 31.

25. Augustine, *Confessions*, 3.6.11 (emphasis added).

26. *Confessions*, 1.1.1. Cf. also Augustine: "[T]here is within us a kind of instructed ignorance, that is, by the Spirit of God who helps our ignorance." So the Spirit moves us "to plead with sighs too deep for words by inspiring in them a desire for the great and as yet unknown reality that we look forward to with patience. How can words express what we desire when it remains unknown? If we were entirely ignorant of it, we would not desire it" (*Ep.* 130, 14, 27–15, 28: *CSEL*, 44, 71–73 [the English translation can be found as "Letter 130 to Proba," in *Liturgy of the Hours*, vol. IV, 430]).

27. Thomas Aquinas, *De veritate*, q. 22, a. 2 ad 1 (hereafter *DV*).

28. *DV*, q. 22, a. 2.

29. *DV*, q. 22, a. 2 ad 2.

30. Thomas Aquinas, *Summa theologiae* I-II, q. 94, a. 2 (hereafter *ST*).

31. *ST* I, q. 80, a. 2.

holds that natural movement in creatures has a *transcendent source* that operates simultaneously as an *immanent principle* of creatures' own activity. "[N]atural things go to their ends inasmuch as they cooperate with the one [Creator] inclining and directing them through a principle implanted in them [*principium . . . inditum*]"; and it is "in virtue of an innate principle [*inditi principii*] [that] all things are said to tend to the good as if reaching for it of their own accord."³² Aquinas states that it is "[b]y the same nature" that "a thing *tends* to an end which it does not yet have, [and] *delights* in an end which it already has."³³ For this reason, "it is said in Wisdom (8:1) that divine wisdom 'orders all things sweetly' because each one's own motion tends to that to which it has been divinely destined."³⁴

The crucial point running through these texts is that we are all of us moral agents only as creatures who are initially, from the core of our being, *moved and informed by the Creator God through the good and the true*—and the beautiful that signals the unity of these.³⁵ As subjects of moral action we are initially, by

32. *DV*, q. 22, a. 1.

33. *DV*, q. 22, a. 1 ad 11 (emphasis added).

34. *DV*, q. 22, a. 1.

35. Regarding the important sense in which beauty is the "transcendental" that properly integrates truth and good, see D.C. Schindler, "Love and Beauty: the 'Forgotten Transcendental' in Thomas Aquinas," *Communio: International Catholic Review* 44, no. 2 (Summer 2017): 334–56. According to Schindler, "[t]his makes love a kind of paradox. On the one hand, love is all about appetite—in Aquinas's words, 'love pertains to appetite,' which as we have said indicates precisely the soul's relation to the good. But, on the other hand, as an essentially *receptive* movement, love seems to be much more similar to the act of intellect, which Aquinas characterizes precisely as acting by taking objects in, as opposed to moving toward them. While the act of appetite terminates in the thing, the act of intellect terminates in the soul" (342). But this leads us precisely to what Aquinas identifies as beauty: "[B]eauty adds to goodness a relation to the cognitive faculty, so that 'good' means that which simply pleases the appetite; while the 'beautiful' is something that is pleasant to apprehend" (342–43, citing *ST* I-II, q. 27, a. 1 ad 3). Hence the axiom of Aquinas that "every act of appetite is necessarily preceded by some intellectual or sensible perception." Schindler says that, "if we connect this axiom with Aquinas's statement that every action of every agent arises 'out of love' (*ex amore*), which implies that love likewise precedes every act of appetite as its principle," we can scarcely avoid the inference "that the apprehension that triggers the movement of desire, so to speak, is just what love is, namely, a reception in the appetite, which disposes it positively toward a

virtue of our being created, objectively formed by and drawn to God through the goodness and truth of his creation. We discover ourselves as subjects of knowing and willing only as always-already informed (objectively) in these ways by God and the given reality of truth, goodness, and beauty.³⁶

As the foregoing texts make clear, the question of the relation between the object and the subject of moral action is, at its deepest and most proper level, “personal” (or concrete) not “impersonal” (or abstract); the texts signal the sense in which the personal, loving God of creation is always present to and within each of us, sharing his truth and goodness—and beauty—with us creatures, in a way indeed that reaches to the heart of our being. What we refer to here as objectivity and subjectivity, in other words, concerns the utterly concrete depths and heights of our being and action in relation to the immanent-transcendent generous activity of God.

given object. And insofar as being disposed is a movement that comes to rest in the appetite, this occurrence can only be described as a delight that occurs in the mere apprehension of an object . . . , or to put it in less technical terms, as an experience of beauty. . . . Given Aquinas’s own characterization of love, [the latter] turns out to be the proper correlate, not of goodness simply, or of truth simply, but of their transformative coincidence in beauty” (344). In a word, in Aquinas we recover “the ancient tradition that roots love in beauty” (344). It follows that “the proper sense of love cannot be defined as a movement within the appetitive order” (345). Love in the strict sense involves the soul’s response to beauty—the reception of beautiful form—and thus presupposes simultaneously both intellect and will (346). It involves the presence of a form (346). “[T]here is a reference to the other beyond the self, a fundamental receptivity, at the *very heart* of all our desires” that “*necessarily* transcends self-interest” (352). Cf. also D.C. Schindler, “Freedom Beyond Our Choosing: Augustine on the Will and Its Objects,” *Communio: International Catholic Review* 29, no. 4 (Winter 2002): 618–53.

36. Indeed, we might summarize the above patristic-medieval teaching in the words of the Polish poet Cyprian Norwid cited by John Paul II, which echo those of Aquinas: “[B]eauty is the form of love.” (“A Meditation on Givenness,” *Communio: International Catholic Review* 41, no. 4 [Winter 2014]: 871–83, at 878). That is, beauty signals the unity of truth and love, in a way that affects interiorly the meaning of both truth and love. The significance of the point here may be seen in light of the title chosen by Pope John Paul II for *VS*. The article cited above, “A Meditation on Givenness,” was originally signed on February 8, 1994 (six days after John Paul II signed *Letter to Families*), and published in 2006 (*Acta Apostolicae Sedis* 98, no. 8 [August 4, 2006]: 628–38). As we will describe briefly below, the point here regarding beauty as the integration of truth and love holds significance for the question of accompaniment.

We may thus summarize as follows the main features of patristic and medieval theology as they pertain to our argument. First, at the origin of creaturely being and activity is God, and thus a fullness of actuality that is generous—the source of all goodness and truth. Second, all human beings *participate* in this original generosity and thus *by their very nature* in God's goodness and truth. The exercise of freedom is never first or simply a choice between objects, but always-already a matter of participation in the truth and good initiated by God; and thus man cannot but ever seek God (implicitly) in all that he does. We are all of us at root lovers who want to love—above all God—and are enabled to begin doing so with the integrity of our nature as originally *given*. This is so not because we are the first initiators of love, but because we are first loved by God (1 Jn 4:19) and participate in his love. Third, the moral "ought" connected with law is intrinsically tied to, and informed by (though not simply deducible from), what man *by nature* most loves and seeks: namely, God above all things and myself inside this love of God, or again the true and the good as communicated by the mind and will of the Creator God.

The essential point, in a word, is that every act of freedom bears a memory of, and is thus ever inspired and informed by, this good/truth that originates in God.

(3) Finally, it is important to highlight the notion of nature (and natural law) implied in the foregoing comments. In the act of creation, God grants each person *his own being*: he is the *subject of his own acts* as a creature. At the same time, each person remains through and through *given*: he is, *as agent*, a *gift* of God's creative generosity. As a *gift-that-is-given* by God, each human being is from his core *active* albeit *responsively*: he *participates on his own* and *through his own unique actions* in the good that is *ever-first initiated in him by God*. Man's moral obligation to this good, and to the search for ever fuller realization of this good-as-true, arises (without being simply deducible) from this primitive—hence always presupposed—participation in, and love for, the good that resides within man by virtue of his creation by God. This good is what *I myself* ("subjectively") *most desire*, even as it is first ("objectively") *implanted in me by God*. The point to be stressed, in sum, is that it is the natural love for this God-given good-as-true that

properly and most profoundly expresses man's *nature*,³⁷ even as it is the *obligation* to realize this natural love ever more fully that is termed *natural law*.³⁸

It is the idea of a *nature* and *natural law* understood to be rooted in a *God-centered love for the good as true* that is missed in the alternatives afforded us by the authors discussed in sections I and II.³⁹ These theologians fail to recognize this (paradoxical) unity of subjective freedom and the objective moral truth/good-as-gift, and this sense of a natural law rooted in love (of God); and their arguments as a consequence remain locked within what re-

37. The term "nature" comes from the Latin, *nascor*, "to be born," and thus refers to an order that is *innate* by virtue of its being originally *given to man by the creator God*.

38. As noted above, this obligation, rightly understood, is tied intrinsically to—but is not deducible from—man's natural love(s), and hence avoids the charge of either "naturalist" or "nonnaturalist" ethics. *VS* states the meaning of natural law nicely: "[T]he natural law 'is nothing other than the light of understanding infused in us by God, whereby we understand what must be done and what must be avoided. God gave this light and this law to man at creation'. The rightful autonomy of the practical reason means that man possesses in himself his own law, received from the Creator" (*VS*, 40, citing Thomas Aquinas, *In duo praecepta caritatis et in decem legis praecepta*). One may thus speak of the natural law in terms of "participated theonomy," since it "effectively implies that human reason and human will participate in God's wisdom and providence" (*VS*, 41).

39. Note in light of this discussion the profoundly different conception of nature affirmed by L&S: "Depending on the meaning derived from the dialectic of interdependence between object, individual, and society, 'nature' includes a variety of meanings and partial truths. These meanings must be judged moral, as *Gaudium et spes* correctly notes, in light of the objective criterion of the human person who is a relational, incarnated, inculturated, historical subject. These epistemological considerations caution against positing a one-size-fits-all morality deduced from 'nature'" (Michael G. Lawler and Todd A. Salzman, *The Sexual Person: Toward a Renewed Catholic Anthropology* [Washington, DC: Georgetown University Press, 2008], 54–55). Again, following Fuchs, L&S affirm that "[a]ll we can understand from 'nature' is the naked facticity of a reality, sexuality, and sexual activity, for instance; nothing else. 'Nature' reveals to our attention . . . only its naked facticity, not our moral obligation. Everything beyond 'nature's' facticity is the result of interpretation by attentive, understanding, rational, and responsible human beings" (48–49). The ancient-medieval (Thomistic) concept of "nature" scarcely denies the historical conditioning of each person's subjective consciousness. What this ancient concept, rightly understood, does deny, however, is that these historical conditions suffice to occlude altogether the human being's primitive moral awareness that some acts are always evil. This issue will be addressed at length in section IV.

main falsely heteronomous (“objectivist”) vs. falsely autonomous (“subjectivist”) terms of moral action, in favor of the latter—even as they mean to overcome such reductive alternatives. This is what I mean when I say that the arguments of Ouellet, L&S, and Fuchs yield a dialectically inverse form of modern Catholic moral theory. Their arguments signal, not a transformation of, but a reactionary (in the literal sense) response to, this modern moral tradition that they are otherwise right in principle to criticize. Continuing to assume modernity’s extrinsically-conceived relation between the object and the subject of moral action, they reject the objectivism of modern moral theory only to slip back (logically) into a subjectivism that is equally characteristic of modernity.

Excursus

As the present article was being completed, the newly-established Pontifical John Paul II Theological Institute for Marriage and Family Sciences was announced, and many of the faculty positions and curricular changes envisioned for the new Institute were put into place. The announced intention is to “refound” the Pontifical John Paul II Institute for Studies on Marriage and the Family originally begun by Pope John Paul II.⁴⁰ Among the newly-hired faculty are moral theologians Fr. Maurizio Chiodi⁴¹ and Fr. Pier Davide Guenzi, President of the Italian Association of Moral Theologians.

Now, the “refounded” Institute, as its revised title indicates, evidently means to include “sciences” in a more explicit way. These changes in faculty, however, indicate the different approach—theological and pastoral—expected to inform the Institute. The scope of the present article precludes a thorough engagement with the work of Fathers Chiodi and Guenzi. It is nonetheless helpful in light of our

40. Cf. Msgr. Pierangelo Sequeri, “Archbishop Pierangelo Sequeri: ‘We Must Honor John Paul II and Listen to Francis,’” interview collected by Céline Hoyeau and Nicolas Senèze, *La Croix*, October 8, 2019, <https://www.la-croix.com/Religion/Catholicisme/Pape/Mgr-Pierangelo-Sequeri-II-nous-faut-honorer-Jean-Paul-II-ecouter-Francois-2019-10-08-1201052894>.

41. Cf. Maurizio Chiodi, “La tradizione reinterpretata nel tempo presente: Il rinnovamento del Pontificio Istituto Teologico Giovanni Paolo II” [The Tradition Interpreted in the Present Time: The Renovation of the Pontifical John Paul II Theological Institute], *L'Osservatore Romano*, September 4, 2019, <http://www.osservatoreromano.va/it/news/la-tradizione-reinterpretata-nel-tempo-presente>.

argument—and of the patterns of modern moral theology criticized in the historical-theological studies of Pinckaers—to note the (logical) similarity of approach between these two new theologians and that of the theologians discussed above such as Ouellet, L&S (and Fuchs).

Key is these newly-hired theologians' reading of *AL*. Fr. Chiodi cites *AL* (305), reminding us that “a pastor should not be satisfied only by applying moral laws as if they were stones to throw at people’s lives.”⁴² He says that theologians can no longer be content to invoke “human ‘nature’, understood as an unchanging organism and known once and for all, in an innate way, and identified with the biological organism that would become the basic ‘natural datum.’” Such a view, he says, fails to take account of the relations that constitute the person in his or her concrete reality: “[I]n many, all that is organic refers to the body itself, the body of flesh, and this body refers to the personal self. In turn, the self refers to the other and to others, in the complex forms of socio-cultural relations.” Drawing on Genesis, Fr. Chiodi says that the act of man and woman “uniting” into “one flesh” is “open to drama: between promise and fulfillment, there is the decision of freedom.” “Uniting” is “a ‘vocation’ to be accepted responsibly and not as a simple ‘natural’ fact or an immutable starting point.” Regarding the relationships between homosexual couples, “the moral task concerns the actual possibilities, i.e., the possible good, which takes into account the actual history of a subject.” In this context, we cannot “give pre-packaged answers, as if all the practical answers could be immediately deduced from an anthropological theory.”

Fr. Guenzi for his part likewise emphasizes that, when discussing homosexuality, we must include not only “nature” but the “intersubjective relations” that constitute the self. Thus he says: “[W]ithin Catholic moral theology there has been insistence on a better understanding of affectivity and sexual life, starting not only from the data expressed by ‘nature,’ but from the element that qualifies under the human profile, i.e., the intersubjective relationship.”⁴³ Fr. Guenzi states further that *AL*, “in the light of a deeper consideration of the sometimes difficult experiences of people, develops a

42. Maurizio Chiodi, “Il teologo Maurizio Chiodi: ‘Omossessuali. Una pastorale oltre la retorica delle aperture’” [Theologian Maurizio Chiodi: “Homosexuals: A Pastoral Ministry beyond the Rhetoric of Openings”], interview by Luciano Moia, *Progetto Gionata*, July 28, 2019, <https://www.gionata.org/il-teologo-maurizio-chiodi-omossessuali-una-pastorale-oltre-la-retorica-delle-aperture/> (translation mine).

43. Fr. Pier Davide Guenzi, “Omossessualità, quale bene nella relazione?” [Homosexuality: What Good Is in the Relationship?], interview by Luciano Moia, *Avvenire*, February 19, 2019, <https://www.avvenire.it/chiesa/pagine/abusi-nella-chiesa-4> (translation mine).

‘reconstructive’ operation on the normative tradition of the Church and the arguments put forward, which latter may have overshadowed elements essential to the evaluation of the act, as in the case of personal discernment and judgment of conscience.” We must not assume that a homosexual relationship alone involves a “lack”—because in fact “every human being, regardless of their sexual orientation, experiences a lack at the root of their being.” Finally, Fr. Guenzi, consistent with Fr. Chiodi, says that

[t]he position argued by the tradition is to highlight the possibility of actions which in themselves represent a deviation from the moral rule of sexual acts. However, the descriptive level of action must be distinguished from the interpretative one, for which the relationship between the subject’s intention and the meaning of his actions is fundamental. In this regard, other sexual behaviors can be considered “imperfect” even within the life of a stable heterosexual couple.

We may say, in sum, that the overarching concern of these two theologians is that we should begin, not in a way that prioritizes theological judgments or judgments of objective moral good (and evil), but rather from where each person is, so that we can accompany all persons in their concrete historical experience as individual subjects.

Now, my own argument presumes that indeed we must always begin from where each person is. However, if we are to avoid a glaring *petitio principii* with respect to what this implies, we must ponder carefully what actually does make up the reality of each person and indeed his subjective experience at any given moment. We must ponder such a question, for example, in light of modernity as clarified in the work of Pinckaers. Chiodi and Guenzi proceed as though “where persons are” at a given moment is exhausted by their exercises of free choices coupled with the weight of the conditions of their own history. Absent from “where they are,” in other words, is a freedom fraught by nature with a desire for the good, the true, and indeed beauty, and for the God who is the implied source of this beauty—in the ways described, for example, by saints Paul, Basil, Augustine, and Thomas. For the new Institute theologians, meeting people “where they are” involves no integrated inclusion of this natural desire and love. This is so because their theological-and-pastoral approach presupposes the modern extrinsicism between subject(ivity) and object(ivity) exposed in the studies of Pinckaers.

In a word, like the pastoral approaches of Ouellet, Lawler, and Salzman, those of Chiodi and Guenzi (unconsciously) embed an inadequately-conceived doctrine—which goes unannounced even as it hiddenly “dictates” a reductively conceived sense of accompaniment.

IV. THE CHRISTIAN VIEW OF CONSCIENCE

Let us now examine more thoroughly how the problematic—extrinsicist—assumptions of the theologians indicated above manifest themselves in the relation between conscience and moral truth, drawing principally from two lectures by Cardinal Ratzinger to the American bishops during the time in which *VS* was being prepared.⁴⁴ Following a general account of the historical-Christian view of conscience as described by Ratzinger, I will show how the extrinsicist approach of the theologians critiqued misconstrues both the objectivity of God's action in the creature and the subjectivity of the creature's response, and in this context the genuine meaning of mercy and accompaniment articulated in the ancient Christian tradition renewed in *VS*.

Ratzinger develops his argument in terms of ancient-medieval Christian theology, which affirms that conscience has a dual dimension. The argument presupposes the ancient-medieval understanding of human consciousness outlined above. Human conscious acts by nature participate in God's truth and goodness. Conscience has its primitive form within the framework of this always-already given participation. Ratzinger contrasts the view of conscience rooted in this ancient understanding with the prevalent contemporary view that understands conscience rather as "subjectivity's protective shell" (16), a subjectivity that bears no intrinsic relation with objective reality. Conscience, that is, provides a kind of private interior space or inner sanctuary. Ratzinger says that a conscience conceived as subjective in this sense tends toward a superficial awareness that is deficient "in listening to the depths of one's . . . soul" (20), and tends therefore to be unduly shaped by the patterns of the dominant culture. In classical Christian thought, on the contrary, conscience involved a "bridge between subjectivity and objective reality" or an inner unity between subjective consciousness and the voice of truth and of God (27–28); a kind of "co-knowing" with the truth (27–28) or with God (51–52). Conscience represents "the transparency of the subject for the divine" (22). This tradition

44. Ratzinger, *On Conscience: Two Essays*. The two essays contained in this book are "Conscience and Truth" (11–41) and "Bishops, Theologians, and Morality" (43–75). Until otherwise noted, page numbers of texts cited from Ratzinger refer to the first of these essays.

distinguished between two levels of conscience: the first, a deeper or “essentially ontological” level, called “*synderesis*” (30), involved an “inner repugnance to evil and attraction to the good” (37). Ratzinger proposes to replace this term with that developed originally in the Platonic tradition and continued in patristic thought—namely, *anamnesis*—because it harmonizes better the “key motifs of biblical thought and the anthropology derived from it” (31). This word, he says, “should be taken to mean exactly that which Paul expressed in . . . his Letter to the Romans” (31): “When Gentiles who have not the law do by nature what the law requires, they . . . show that what the law requires is written on their hearts, while their conscience also bears witness” (31, citing Rom 2:14–15). In a similar vein, citing the Basil text we cited earlier, Ratzinger says that the fact that “the love of God . . . is constitutively established in us” means for Basil that “we have received interiorly beforehand the capacity and disposition for observing all divine commandments. . . . These are not . . . imposed from without” (31–32).

This first or ontological level of conscience “consists in the fact that something like an original memory of the true and the good . . . has been implanted in us”:

There is an inner ontological tendency within man, who is created in the likeness of God, toward the divine. . . . This *anamnesis* of the origin, which results from the god-like constitution of our being, is not a conceptually articulated knowing, a store of retrievable contents. It is, so to speak, an inner sense, a capacity to recall, so that the one to whom it addresses, if he is not turned in on himself, hears its echo from within. He sees: That’s it! That is what my nature points to and seeks. (32)

Furthermore, “the possibility for and right to mission rest on this *anamnesis* of the Creator, which is identical to the ground of our existence. . . . The gospel may, indeed must, be proclaimed to the pagans, because they themselves are yearning for it in the hidden recesses of their souls (see Isaiah 42:4)” (32).

The second level of conscience, then, or what the medieval tradition calls “*conscientia*” (30), concerns “judgment and decision” (36). Thus “whether something is recognized or not depends too on the will, which can block the way to recognition

or lead to it. It is dependent, that is to say, on an already formed moral character, which can either continue to deform or be further purified” (37). It is on this level, says Ratzinger, that it can be rightly said that an “erroneous conscience binds” (37). But it does so in the sense clarified by Ratzinger:

[This claim] is completely intelligible from the rational tradition of scholasticism. No one may act against his convictions, as St. Paul had already said (Rom 14:23). But this fact—that the conviction a person has come to certainly binds in the moment of acting—does not signify a canonization of subjectivity. It is never wrong to follow the convictions one has arrived at—in fact, one must do so. But it can very well be wrong to have come to such askew convictions in the first place, by having stifled the anamnesis of being.⁴⁵

The guilt lies then in a different place, then, not in the present act, but in the neglect of my being that made me deaf to the internal promptings of truth. (37–38)

In this context, Ratzinger calls attention to the gravest evils and challenges to conscience that have arisen in modern times—those posed, for example, by the Nazis and Hitler—and says that these evils can be addressed properly only through retrieval of this ontological level of conscience. He recalls his shock upon listening to a dispute among his colleagues regarding whether Hitler and his accomplices could be judged guilty, given what was deemed the “justifying power of the erroneous conscience” (17). Some people insisted that these men were sincerely convinced of the rightness of their cause, and therefore could not have acted otherwise—and that we should thus “seek them in heaven” since they acted with a “certain conscience” (17). Ratzinger says that we can logically avoid such a conclusion only if we recover the first level of conscience that lies at the heart of ancient-medieval Christian thought.

In his 1991 lecture to the American bishops,⁴⁶ Ratzinger indicates further important elements needed for an adequate

45. Ratzinger cites here *GS*, 16. The authors discussed above fail to integrate this anamnestic dimension of conscience into their arguments.

46. *Ibid.*, 43–76 (in “Bishops, Theologians, and Morality”: see footnote 44 above).

understanding of conscience. Adopting the terms of German philosopher Robert Spaemann, he says that conscience is not an “oracle” but an “organ” (61). That is, although conscience bears the memory of the basic principles of morality implanted in our nature by God, what is thus *naturally given* nevertheless needs growth—and training and practice. “Included in the concept of conscience is . . . the obligation to care for it, to form it and educate it” (63). This formation comes from outside (that is, from others), but it “responds to the given of our own nature” (61). As Plato put it, the good that is ever “recollected” is fully known only through “regular familial discussion.”⁴⁷ As Spaemann aptly puts it, man is “a being who needs the help of others to become what he is in himself.” Without such discussions and formation, conscience “can be falsified so that it can only speak in a stunted or distorted way. The silence of conscience can become a deadly sickness for an entire civilization” (61). Nevertheless, we cannot say that a person inadequately formed can now commit evil actions innocently or with an apparently “good conscience”—which would imply in the end that “he would be permitted to do anything” (62). Such a person remains the subject of an objectively evil act because he still retains “internal knowledge about good and evil.”⁴⁸

Further, Ratzinger considers the question of “reasonableness and objectivity” in light of *nature*, and in turn of the role of the *magisterium* in this regard. A serious problem today is that the reality on which “objectivity is based is no longer seen as a nature that precedes man” (65). Rather, nature is now thought of as part of “the world that man himself has structured, which one may now simply analyze and from which one may extrapolate what the future will bring” (65). Under the influence of Kantian philosophy, for example, we have a “division of reality into subjective and objective” (66), with the consequence that the reality we encounter bears no inherent order of reasonableness. The world becomes merely the *object* of a reason ordered toward the future and what can be made useful.⁴⁹ In contrast, says Ratzinger,

47. *Ibid.*, 64, citing Plato, *Letter 7*, 34c.

48. *Ibid.*, 62. Cf. the ontological level of conscience.

49. Cf. the Baconian *dictum* that “knowledge is power.”

“the Church believes that in the beginning was the Logos and that therefore being itself bears the language of the Logos—not just mathematical but also . . . moral reason.” This is what is meant when the Church insists that reason contains “a moral expression” (67). We see in some basic way “that there is a reason that precedes us,” and that, “in the last analysis, the language of being, the language of nature, is identical with the language of conscience” (67). To be sure, our technical world has made it difficult to hear such language, and so the practice and formation that, as indicated above, are necessary for all men by virtue of their social nature⁵⁰ are even more urgently necessary today. Finally, Ratzinger stresses that, if there is no Logos at the beginning, there can be no Logos in things *as given*; and that we need therefore to face the question regarding the origin of things—“the question about God” (68). Ultimately, if there is no God, “there is no morality” (68). “In this sense,” says Ratzinger, we must show that, at a deeper level, “everything depends on God, on a God who is Creator and who has revealed himself” (68).

Three further points in Ratzinger’s analysis bear emphasis in light of our earlier theologians’ arguments and today’s cultural-ecclesial situation. First, we need to recall Ratzinger’s appeal to an essential principle in the formation of conscience that is implied by the concept of *anamnesis*, or man’s innate memory of truth, goodness, and God. As pointed out earlier, the human being by nature “remembers” the truth and the good and the obligation to seek them—hears the echo of the voice of God and “remembers” the moral commandments. As indicated, this memory needs training and education by others. But it is essential to see that man “remembers” all this as coming *from within* even as it comes from “outside” or above. It comes from the God who acts simultaneously from the highest heights and *from depths that are interior to our inmost self* (Augustine). The memory of God and his moral commandments is not adventitious; it does not become effective for the first time only at some point in our historical development. On the contrary, it is bound up with our nature, hence from our beginning. For this reason Ratzinger, recalling Socrates, emphasizes that the heart of forming someone lies in “maieutics.” This term refers to “midwifing,” and thus

50. As affirmed, for example, by Aristotle and Aquinas.

assistance in giving birth; and indicates why it is appropriate as a “method” of educating a person in moral truth: in calling attention to and assisting into fuller and more independent existence what is *already initially formed* in a person’s own soul as a creature. Hence the crux of Ratzinger’s argument regarding the communication of moral truth: there exists in every person, at the primitive or ontological level of conscience, a genuine echo, and thus a memory, of the Creator God who has implanted within each of us *by nature* and hence from *the moment of our creation*—a *participation in his goodness and truth*.⁵¹

Second, it is important to understand the reason for Ratzinger’s emphasis on the Church’s inner role in forming the language of being and conscience. “The Church’s magisterium bears the responsibility for [the] correct formation [of conscience]” (63), by assisting man in developing his knowledge of the “inner vibrations” of the truth that echo in his consciousness (63). If one “believes that the Church has its origins in the Lord, then the teaching office in the Church has a right to expect that it . . . will be accepted as a priority factor in the formation of conscience” (64). Christ, the Church’s founder and teacher, bears the language of the Logos of being. Thus “the Church professes herself the advocate of the reason of creation and practices what she means when she says, ‘I believe in God, the *Creator* of Heaven and Earth’” (67, emphasis added). This, again, is the foundation for the Church herself insisting that “‘nature’ has a moral expression” (67). The Church “would betray, not only her own message, but the destiny of humanity if she were to renounce the guardianship of being and its moral message” (68). This does not mean that the pope, as the teaching authority and advocate of Christian memory, “impose[s] from without” (36). On the contrary, the pope (Magisterium) recalls to us the coherence or inherent openness of reason-nature in relation to the Christian faith (36). Indeed we see here the roots of what in the end, according to Ratzinger, is the indissoluble unity between conscience and the pope that Cardinal Newman

51. See my “Modernity and the Teaching of *Humanae Vitae* and *Veritatis Splendor*” (cited in footnote 2 above), as well as my chapter, “‘In the Beginning was the Word’: Mercy as a Reality Illuminated by Reason,” in David L. Schindler, *The Generosity of Creation* (Washington, DC: Humanum Academic Press: 2018), 95–119.

affirmed. For Newman, that is, the intrinsic mutual openness between the authority of the pope and the voice of conscience lies in the truth that has its unified source in the Logos who was incarnate in Christ and founder of the Church, and at the same time the creator of nature.⁵²

Thus, in a word, the Church, in her very authority for teaching doctrine and administering sacraments, which has a supernatural origin, remains at once the guardian of reason. What the Church's teaching authority *demand*s is tied essentially to *what is reasonable*, and must never bypass the duty to show reasonableness and truth, even when what is demanded requires faith.

Third, the truth we are longing for “does not just make demands of us, but also transforms us through expiation and pardon. . . . And our being is transformed from within, beyond our own capability” (40). The Logos, as the truth of love in person,

[i]s also the atonement, the transforming forgiving love that is above and beyond our capability and incapability. Therein lies the real novelty on which the larger Christian memory is founded, and which indeed, at the same time, constitutes the deeper answer to what the *anamnesis* of the Creator expects of us. (40)

Where this center of the Christian message is not sufficiently expressed and appreciated, truth becomes a yoke that is too heavy for our shoulders. But the freedom gained thereby is empty. . . . Yet, the yoke of truth in fact became “easy” (Mt 11:30). Truth came, loved us, and consumed our guilt in the fire of his love. Only when we know and experience this from within will we be free to hear the message of conscience with joy and without fear. (41)

Ratzinger's point is that the heart of the law itself is an *order of love*: its *form* takes root in and as *natural love* or *inclination*. Indeed, as indicated earlier, this natural love provides what is the first meaning of natural law according to Aquinas. Law is a distinct moral judgment that arises from within our experience of given desires or loves—given, that is, from the beginning of our existence and thus innate, or natural.⁵³ The moral “ought” arises

52. Cf. *Ibid.*, 24–27.

53. Regarding these natural desires and loves, see *ST* I-II, q. 94, a. 2.

from within the experience that this is what I most want—what I want in my deepest depths, and what therefore alone gives my life—human life—its most profound and truly abiding joy and meaning. Likewise the moral obligation to seek God and obey his commands first arises from within the deepest level of my desire for ultimate goodness and truth, and thus implicitly for God. It is modern moral thinking, framed paradigmatically by Kant and earlier by Ockham, that, in contrast, conceives law first and most basically as a matter of obligation, and therefore burdensome of its deepest nature.

The moral law that participates in man's natural love, and is implanted by God as an expression of his mind and will, thus itself embodies the original form of God's mercy. This becomes evident when we recall the sense of meaningfulness and joy that accompany the realization of these loves, even in the midst of great suffering. In a word, the burden of acting morally is lightened in the first instance in and through the very law itself—the very *order* of love—that characterizes one's nature as participant in God's creative goodness and truth.

Furthermore, God himself, having become incarnate in Jesus Christ, infinitely expands the meaning of law as a matter of love, deepening the answer to what the memory of the Creator naturally expects from us. He does this by offering participation in his own love, which not only assumes the burdens of natural law that are due to sin, but takes on this burden himself, sharing in our suffering and bearing sin's consequences, and indeed forgiving us.

Any approach invoking merciful love and accompaniment that does not begin (and end) with God's accompaniment at the heart of our own natural, and deepest, desires, along with his own infinitely greater accompaniment in Jesus Christ and his sacramental Church, not only misinterprets the meaning of natural law, but (thereby) also overlooks what is in fact the deepest source and reality of mercy: namely, the law itself whose *order* at root indicates *God-initiated love*. To be sure, difficult historical circumstances over time can dim or deeply distort our awareness of these deep natural desires implanted by God in his act of creating us. But such circumstances cannot altogether eliminate our memory of natural desires, which would be tantamount to the denial that we have a nature.

The summary point for Ratzinger and the tradition, then, is that the moral law is *never first or essentially* a burden, on a rightly understood Christian understanding of *nature as created by God*. On this traditional view, renewed in *VS*, the burdensome character of law arises first by virtue of sin. The moral law would be burdensome by nature only if we approached it as a dutiful law laid on conscience extrinsically, in a way lacking original participation by the moral subject in the order of (God-centered) love. But once again this is to assume precisely the modern (cf., for instance, Kant)—in contrast to ancient-medieval (cf., for instance, Aquinas and *VS*)—idea of law. In a word, to emphasize the “ideal” as the proper way of responding to a law conceived as burdensome is to leave intact the dualistic terms characteristic of modern morality, while inverting them. Such an approach eases the law’s objective demands by delaying them, as distinct from transforming them—by integrating them into the natural desire and love of God and others affirmed in the Catholic tradition renewed in *VS*.

V. THE PROBLEMS OF EXTRINSICISM

Against the backdrop of this discussion of Cardinal Ratzinger, we return to the extrinsicist position described earlier. Cardinal Ouellet, for example, is clear regarding the alternatives that structure his argument: we should not communicate “the objective truths which ought ideally to determine [others’] moral choices,” as if “these truths were perfectly obvious things which [human agents] ought in some way to know.” On the contrary, we must learn “to ‘discern’ the actual state of conscience of the concrete person.”⁵⁴ Likewise in this context, L&S following Fuchs emphasize the difference between “subject-orientation” and “object-orientation,” and again between “moral goodness” and “moral correctness”—with the latter term in each case referring to the “material content of conscience” or the “objective norm” that “in itself” is “external to conscience.”⁵⁵ Now it is important to

54. AD, n5.

55. Fuchs recognizes the consciousness of “do good and avoid evil” at a basic level of conscience, but this is “formal,” not originally tied to or ordered

be sure to maintain a distinction between subjectivity and objectivity in moral action. Ratzinger's reflection, however, exposes a profound ambiguity in our authors in this matter that affects each stage of their arguments. The crucial issue regards where conscience in its "actual state"—or the "subject-orientation" in its logical precedence to "object-orientation," or "moral goodness"—stands with respect to the truth carried in the "ontological level" of conscience. As conceived in the Christian tradition, this ontological level of conscience bears "an original memory of the good and true" or "*anamnesis* of the Creator, which is identical to the ground of our existence."⁵⁶ Indeed, as Ratzinger insists, this original sense of the good and God "must be proclaimed to the pagans, because they themselves are yearning for it in the hidden recesses of their souls (see Isaiah 42:4)" (32).

The main question to be posed regarding the extrinsicism exemplified by our authors thus concerns what is termed the "actual state of conscience" in relation to what Ratzinger identifies with the tradition as man's original memory of truth, the good, and God. Is conscience as it is "actual" within the concrete history of the moral subject ever neutral or entirely "deaf" with respect to this memory? As Ratzinger makes clear, the answer to this question is bound up with the question of whether man has a *nature*, and *participates in a natural law*, both of which—in their distinct but intrinsically united ways—are conceived as *orders of love* for the good and the true in which man *participates* by virtue of what is always first *initiated by God*. The fact that nature is ever in history and subject to its vicissitudes scarcely means—for the patristic-medieval Christian tradition (and including *GS!*)—that the conditions of history and relationships ever wholly eliminate the natural-ontological level of moral consciousness.

Ratzinger's argument and the teaching of *VS* reveal the fundamentally question-begging character of these claims by the authors under discussion. The crux of the matter, again, is the

intrinsically toward *specific evils*. It takes "concrete shape," in other words, only in relation to the "objective norms" that are external to conscience. This helps explain why L&S hold that morality is controlled largely by intention; that is, it is a matter of moral goodness as distinct from moral correctness, and is thus determined primarily by the subject and not also—intrinsically—by the object (objective norms).

56. Ratzinger, *On Conscience*, 32.

failure of these theologians to incorporate the principle of *nature* affirmed in the ancient-medieval tradition and renewed in *VS*. In a word, they each miss the heart of Ratzinger's retrieval of that tradition, which holds that *human consciousness participates by nature* in truth and the good as created by the intelligent, loving God, while experiencing a distinct sense of obligation to follow this natural love of truth, the good, and God. Persons cannot consciously act without the *memory* of nature, natural loves, and God that constitutes the *ontological level* of conscience.

In summary, Ouellet, L&S (and Fuchs) take account of conscience finally only in terms of its meaning as "the most secret core and sanctuary of a man," to the exclusion of the depths of this sanctuary wherein man detects a law that he does not impose, a law that bears the echo of God's voice and is written in his heart, and that loves good and avoids evil and is fulfilled in love of God and others (*GS*, 16). They fail to take account of the fact that, while conscience retains its dignity when it errs through "invincible ignorance," we must also reckon with the person who has little regard for truth and goodness and becomes "practically sightless as a result of habitual sin" (*GS*, 16).

The consequences of the failure to take into account the full meaning of conscience as highlighted here are profound, all of them involving issues noted in earlier sections of the present article. What is crucial to see is that these problems manifest themselves in claims that are *at the same time both* doctrinal *and* pastoral in nature. The false understanding of doctrine informing the approaches of the authors described above, in other words, *itself* enfolds, even as it expresses itself in, reductively conceived pastoral responses. As we will now explore, this false doctrine with respect to conscience concerns the nature of reality itself (5.1); of morality (5.2 and 5.3); of pastoral accompaniment (5.4); and finally, of the Church (5.5).

5.1. Nominalism

The authors critiqued hold that we must form consciences but not *substitute* our own consciences for those of others, especially those in unique and even acutely difficult circumstances. To be sure, moral judgments in particular situations bear prudential as-

pects that only the person in the concrete situation can fully discern. Nevertheless, personal acts bear an objective order rooted in man's nature, and this order must be intrinsically taken into account if we are to make a proper judgment regarding the act, that is, regarding the *character or species of the act* and not only the *subjective intentions of the one acting*. Ouellet, for example, affirms that we can identify actions that are intrinsically evil—actions, in other words, that are always evil *in se*. At the same time he insists that such actions may not be evil *for the moral agent who performs them*, insofar as this person, due to his peculiar historical conditioning, may not yet be able to perceive any evilness. But the fact that historical conditions may reduce the agent's subjective imputability does not mean that the act that *he himself commits* becomes thereby something other than an intrinsically evil act. Adultery, for example, remains objectively adultery also for the subject engaging this act, even if there are conditions that reduce his culpability, or ability to recognize this.

These authors' extrinsicist arguments neglect to incorporate what Ratzinger terms the ontological level of conscience—*anamnesis* or *synderesis*—which has its roots in man's natural consciousness. This failure implies a denial of man's nature or natural law—the order of inclinations and love described by St. Thomas as natural to man's consciousness, as well as the sense of moral obligation tied intrinsically to this order.

Our authors' arguments as a result presuppose a human conscience so individuated that it operates independently of nature and natural law. Such a view of conscience is properly termed *nominalistic*. Consciences that we can *in no rightful sense* "substitute for" are *privatized* consciences, consciences that lack the ontological memory affirmed in the ancient tradition renewed in *VS*.⁵⁷ Insistence that the conscience of one human subject can never, in any principled sense, substitute for that of another presupposes that conscience is simply "the most secret core and sanctuary of a man," in a sense lacking by nature any memory of a law "written on [one's] heart" by God, or any echo of "God's voice," as affirmed by *GS* (16).

57. Ratzinger, *On Conscience*, 32. Cf. *ST I-II*, q. 94, a. 2.

5.2. *Ethical nihilism*

If we neglect the ontological level of conscience, it follows, as Ratzinger shows, that there is *no* act that can ever be said to be objectively evil *for every person*, always and everywhere. As indicated, Ouellet insists that some acts are intrinsically evil, but not necessarily for this person here and now, in his concrete historical state. Sometimes acts that are evil *in themselves* remain merely ideally so for the concrete moral subject. But if *no act* can be identified certainly as objectively evil under all circumstances, then *any human act* is possibly (intrinsically) good for this moral subject at a given particular time. The proper term for such a position is ethical relativism—or more precisely, ethical *nihilism* (*nihil*: nothing). Ethical nihilism, in short, logically presupposes and follows from a nominalist ontology.

As Ratzinger shows, however, if we assume nominalism, we would no longer retain the right—or obligation!—to “substitute” for the conscience, say, even of a Hitler. The extrinsicist position gives us no principled basis for identifying any case in which such substitution would be not only permissible but (morally) demanded.

5.3. *Pelagianism*

The tendency toward nominalism logically entails a form of *Pelagianism*. The suggestion may seem counter-intuitive in the present context. The arguments of the authors discussed appear precisely to exclude Pelagianism, according to which persons prematurely trust their own powers, and “feel superior to others because they observe certain rules or remain intransigently faithful to a particular Catholic style.”⁵⁸ Such Pelagianism is indeed consistent with the patterns of modern moral theology as described by Pinckaers, with its tendency to understand the moral subject precipitously in terms of a moral law imposed on the subject from above, without attention to the order of love that, in its very transcendence as originating in God, is simultaneously participated in by the creaturely subject. The

58. *Gaudete et exsultate*, 49.

extrinsicist approach of the authors criticized seems emphatically to reject this pelagian tendency. Nevertheless, as indicated throughout our earlier discussion, their argument leaves intact the polar terms of modern moral theory, and this leads them to repeat in a *dialectically inverse* way this pelagian tendency of modern moral theory. How so?

The problem is that the authors treated approach the moral law reductively in terms of an “object” consisting in burdensome commandments coming from “above” or “outside,” on the one hand, and of a (bare) “subject” standing before “ideals” that are yet to be realized, on the other. Such an approach, in other words, lacks any genuine sense of the moral law as originally rooted in a *natural order of love initiated by God*: lacks *original participation* in the good or true that is granted the creature by God in creating him. To be sure, these authors emphasize accompaniment by God and others to ease the burden of the demands of the law and progress along the path to the realization of a moral ideal. The crucial point, however, is that accompaniment as they conceive it presupposes a moral subject who at the outset and by nature remains on-the-way-to-truth, moving toward an ideal lying ahead of him. That alone explains the suggestion that at any given point in the subject’s history the latter may simply not be aware that certain actions are objectively-intrinsically evil (even-also) for him as their subject. The authors discussed fail to clarify sufficiently that the assistance that alone can truly bear our moral burden—that is, *from within our deepest selves*—begins (and ends) with our original *participation in God’s goodness and truth* by virtue of creation—as well as through grace and sacrament.

The crux of the matter, in a word, is that a moral truth and goodness that are not in a significant sense *first given*—something in which the human subject *participates* from his original constitution *as a subject*—must be *first acquired by the subject himself*. And this situation is not ameliorated by the help (from outside) of another who, like the subject himself, lacks the requisite participation in God’s given truth and goodness. It is this original extrinsicism between human subject and moral object—the absence of the subject’s interior participation by nature in the good objectively initiated by the generous God—that embeds a logical tendency toward Pelagianism.

5.4. *A reductive sense of pastoral accompaniment*

In discussing conscience and the moral law, our authors rightly emphasize pastoral accompaniment centered in mercy. The problem, however, once again, is that their approach to the law grants primacy to obligation (and thereby to law's burdensome character) rather than to man's natural love and desire, after the manner of modern thinkers (cf. Ockham and Kant, for example). This misses the heart of the tradition, for which obligation is tied to natural love. For this reason accompaniment, as rightly conceived in the Christian tradition, takes its first meaning not in lessening the demands of a law first conceived as burdensome, but in recalling the person to the love and desires that already operate in the person's heart by virtue of his nature as a creature—after the manner of *maieusis* as clarified by Cardinal Ratzinger.

The right way of accompanying, in other words, consists first in awakening the subject to the ontological memory that has been naturally initiated in him at creation *by the Creator God* and remains ever lodged in the depths of his consciousness. It is this *God-centered participation* in a law *naturally rooted in love* that constitutes the first and most basic form of accompaniment. Indeed, God's mercy has its primitive roots just here, in the natural law itself conceived as a participation in the good, obligation toward which is rooted in and expresses *man's natural desire and love*. Fulfilling the demands of the moral law, in sum, indicates what man himself at his deepest level always *seeks after* and *loves* to do.

Indeed, we should note here the significance for understanding accompaniment of the beauty that, as indicated earlier, signals for Aquinas the unity of *truth* and the *good*, or for John Paul II the *form of love*.⁵⁹ Beauty *comprehends* the true and the good even as it *integrates* them. In beauty, truth itself becomes a matter of splendor—of a witness that attracts. The note of beauty as thus conceived needs to be incorporated within what is termed *maieusis*: it signals the witness—or “splendor”—entailed in recalling others to the truth within them that is always already loved. It is truth integrated in such a way that is finally the key to an adequately conceived sense of accompaniment.

59. John Paul II, “A Meditation on Givenness,” 878.

Reminding a person of the demands of the moral law, then, rightly understood, never consists first in laying a burden on this person extrinsically, in a way that he would experience it as foreign to his being. Rather, it means (re-)awakening in him *the memory of a desire* that he himself naturally bears in his interior depths and *whose realization alone can bring true meaning and joy into his life*. To be sure, given the reality of sin (“original” and “personal”), this fulfillment cannot but be experienced also as burdensome by the subject, sometimes in a way that threatens to overwhelm him. But here is the point: the *burdensome quality* of the law is due first to sin, not to the law itself! Law, on the contrary, indicates the *immanent order of love* communicated by God, which itself (always-already) reveals the mercy basic to God as Creator—his *first* mercy as the source of our being.

Extrinsicist views like those of the authors critiqued, who speak of the moral law precipitously in terms of obligation and duty, and hence in terms of the law’s burdensome character, deflect persons from what their hearts by nature most long for and gives their lives coherence and meaning: relationship with the gracious Creator-Redeemer God that begins with the creation of each of us. Mercy rightly conceived begins not by reducing—or denying—the objective demands of the law, but by assisting a person toward ever-deeper awareness of and participation in God’s love, and in the “power” of that love that is expressed in the natural goodness, truth, and beauty of his creation that inform this law.

In a word, assistance of others in moral difficulties *begins and ends with God and each one’s deepening relation to God through prayer and the sacraments, ever-assisted by the natural order of love he has implanted in each of us*. To overlook this *ontological* (not merely intentional or “moral”) primacy of God as the beginning and end of accompaniment is to slip logically (if unintentionally) into both nominalism and Pelagianism.

5.5. “Respect for consciences” and reception of the Eucharist: An inadequate ecclesiology

We turn finally to Cardinal Ouellet’s proposal as it concerns the Church in her sacramental nature. Again I focus on the

logic, not the intention, of his argument that ever wishes to acknowledge the well-meaning efforts of moral agents. My reflection concerns his view of conscience, here specifically in terms of what he calls the “actual state” of each individual’s conscience. Ouellet says that he is “personally hesitant” about an approach that would allow two persons living in an irregular situation (“divorced and remarried persons” who “have subjectively repented and may desire deeply to make a change that is compatible with the truth of the sacrament”) to receive the sacrament of the Eucharist. In “Accompanying, Discerning, Integrating Weakness,” he asks: Can a pastor admit such persons to the sacrament of the Eucharist if they have a “sincere intention of changing, even if it is not yet carried out because of [the] limits in a person’s capacity for decisions”? He answers:

Such openness may be discerned in certain cases in the internal forum but must not be elevated to a general rule. I am personally hesitant about this approach because I am sensitive to the sacramental logic which demands sacramental coherence of persons who are communing with the faithfulness of Christ the Bridegroom giving Himself to His Bride the Church.

The novelty of *AL* consists in offering benchmarks to assess extenuating circumstances that diminish the subjective imputability of an objective state of sin and thus lift an obstacle to sacramental life. . . . Integrating the sacramental dimension may take longer in terms of perception of the values that are at stake and may therefore give rise to different ways of journeying. Consequently, some provisional or intermediate decisions, while not always in keeping with the discipline, may be tolerated so to speak for a time while a greater maturity is awaited. Tolerated not because of a change to the norm but because of a more flexible application of it, out of charity for a conscience that is not yet fully formed with respect to the decision to be taken, but that is respected in its decision which the pastor accompanies while shedding light little by little towards a more coherent decision in good conscience.

The simple application of an array of clearly defined cases would be simpler and more practical but would not be enough to allow progress for so many families who are caught up in complex situations for which

there are no “easy recipes.” The progress of *AL* and its novelty consist in taking real life into account as a path for growth and progressive integration of the values that influence decisions in conscience.⁶⁰

60. Again it needs to be stressed that the question regarding the possibility for persons in “irregular” marital situations to receive the Eucharist is not to be answered simply on the basis of whether they are subjectively guilty of sin but of whether they are or are not in the objective situation of living *more uxorio* with someone who is not their spouse. As John Paul II puts it in *FC*: “[The divorced and remarried] are unable to be admitted thereto from the fact that their state and condition of life objectively contradict that union of love between Christ and the Church which is signified and effected by the Eucharist” (84).

In an earlier work, Cardinal Ouellet states his position differently—in a way that agrees with John Paul II:

The Church is aware of her duty to respond adequately, that is, nuptially, to the kenotic descent of Love. For her it is not a matter of being more or less “merciful” with regard to persons in irregular situations, but of taking seriously the truth of the sacraments (the gifts of the Bridegroom) and their missionary dimension. Eucharistic communion is not only spiritual nourishment of an individual soul that has subjectively repented; within the life of the community, it is an objective sign that sacramentally expresses personal union with Christ. It is a witness to Christ in the world. Those who have divorced and remarried are in a situation that objectively contradicts the indissoluble ecclesial bond that they solemnly expressed before the community. They are unable to represent in the world the Church-Bride’s unconditional “amen” to the gift of the Bridegroom in the Eucharist. . . . While respecting the secret of conscience, the Church cannot allow sacramental communion in such cases because to do so would be—objectively—to allow a false communion that would contradict her fidelity to the Bridegroom’s sacrifice. Persons in irregular situations must be helped to realize that they are not excluded from the communion of the Church and to find other means of expressing their faith and their belonging to the community. (Marc Ouellet, *Mystery and Sacrament of Love* [Grand Rapids: Eerdmans, 2015], 170).

I cite this earlier statement by Cardinal Ouellet to indicate its profound difference from the view expressed in his articles that are discussed in the present essay. The main principle accounting for his shift of position with regard to the reception of the Eucharist cannot properly be said to *develop* his understanding in such matters. On the contrary, it indicates a *change vis-à-vis* the nature and relative priority of subject and object (subjectivity and objectivity) in the realization of moral truth; and this change—we have argued—*contradicts* the ancient ecclesial (doctrinal-pastoral) tradition renewed in *VS*. Ouellet cannot claim that his new sense of the permissibility—even for a short time—of receiving Communion by those in irregular marital situations is consistent

In “A Missionary Gaze,” Ouellet states further that *AL*’s distinctive approach allows us to

[d]iscern . . . the steps to be taken to live fully the sacrament already received, to make progress bit by bit towards a conscious and fruitful reception of the sacrament, or else to regularize a situation that is objectively irregular but not always morally ascribable.

A pastor’s conversion in his way of seeing consists in perceiving . . . the concrete “person” in their tendency toward the good, in affirming the good they are living, and in accompanying them in a gradual discernment of possible options towards greater holiness or a fuller integration into ecclesial communion—regardless of their public status, be it as a believer in good standing, as a catechumen on the journey, of a fallen-away baptized person, as cohabitee or divorced-and-remarried. Without this conversion of affirming the person in their gradual progression, it is impossible to adopt the appropriate pastoral attitude of welcome. . . . The Pope explicitly calls for “a new missionary conversion for everyone in the Church” (*AL*, 201), suggesting . . . that more is gained for the mission when we strive to integrate people who are in the gradual process of conversion, than to keep the faithful in an adherence that may be juridically correct but often superficial (*AL*, 201, 293–95, 305, 308).

Ouellet’s approach, which as we have seen involves an inadequate view of conscience, implies here a deeply problematic ecclesiology. Let me clarify what this means first by calling attention to the cultural situation in America as it concerns extending the legal right to marry to persons in same-sex or transgender relationships. Defense of such an extension is typically framed in terms simply of granting to a wider group of people access to the institution of marriage, so that people in same-sex

with his earlier position in this regard. On the contrary, his argument in the articles we have considered here presupposes (however unconsciously)—and can rightly be judged cogent only on the basis of—modernity’s extrinsicist sense of the relation of God and truth to human consciousness that is criticized by Pinckaers (and Ratzinger) and whose rejection is implied by the authentic Christian tradition. (Cf., in light of these comments, the statement by the Congregation for the Doctrine of the Faith, “Letter to the Bishops of the Catholic Church Concerning the Reception of Holy Communion by the Divorced and Remarried Members of the Faithful” [1994], esp. pars. 7–9).

or transgender relationships might also be able to share the same public recognition and benefits as a married man and woman in the traditional sense. Often unremarked in debates regarding this issue, however, is that inclusion of persons in these new types of relationships in marriage does not merely *add new members* to the institution of marriage; more fundamentally, it also *changes the nature of marriage* as historically understood and legally-publicly recognized. As a result of the recent *Obergefell* decision,⁶¹ in other words, anyone who gets married in America now enters into what is officially recognized as a voluntary union effected by any two people who desire to be identified as married.

Ouellet's view of conscience in the matter of permitting reception of Communion by divorced and remarried persons in the situation described above, I am suggesting, has an analogous effect in terms of what has always been understood as the heart of Catholicism: namely, the Church's understanding of the reception of Communion as a sacramental sign of Christ's spousal union with the Church. The cardinal inserts into this understanding of Communion as a *sacramental sign* the principle of (a wrongly individualized) conscience, with the result that he (unwittingly) drains this sign of its proper meaning *as sacramental*. He thereby changes what it means to receive the eucharistic body and blood of Christ, and indeed changes thus the core meaning of the Church for all members of the Church. How so?

Unlike in America, of course, the issue regarding marriage in the Church is not whether same-sex or "nonbinary" persons are to be permitted to unite in sacramental marriage. The (American) civil and the (Catholic) ecclesial debates nonetheless both indicate a new emphasis on the subject's individual conscience, or sincere conviction. In the American debate, this emphasis involves the possibility for couples other than one man and one woman to choose to marry, thereby permitting such couples to share in the good, or benefits, of marriage. In the ecclesial discussion as framed by Ouellet, the debate concerns rather the role of individual conscience in determining whether an originally sacramental marriage has occurred or not; and in determining thereby whether the persons living in "irregular situations" in regard to marriage might under certain conditions (as indicated above) be

61. *Obergefell v. Hodges*, 576 U.S. ___ (2015).

admitted to the Eucharist. Ouellet answers that such a possibility might “be discerned in certain cases in the internal forum but must not be elevated to a general rule”; and says that he himself is personally hesitant about this approach because [he is] “sensitive to the sacramental logic which demands sacramental coherence of persons who are communing with the faithfulness of Christ the Bridegroom giving Himself to His Bride the Church” (AD).

However, he also says—at the outset—that “the novelty of *AL* consists in offering benchmarks to assess extenuating circumstances that diminish the subjective imputability of an objective state of sin and thus lift an obstacle to sacramental life.” This spirit of mercy and respect for consciences might lead to “decisions not always in keeping with the [sacramental] discipline,” which should be tolerated “for a time while a greater maturity is awaited”—“out of charity for a conscience that is not yet fully formed. . . .” The novelty of *AL*, again, is that it allows us to take “real life into account as a path for growth and progressive integration of the values that influence decisions in conscience.”⁶²

In response, we should recall again that resolution of the issue of subjective imputability does not of itself settle the question regarding the permissibility of receiving the Eucharist. To be sure, one who is guilty of a serious sin that has not been absolved must refrain from receiving the Eucharist. However, absolution of this sin does not of itself suffice to determine the objective coherence of one’s life with the objective–sacramental meaning and reality of the Eucharist. On the contrary, reception of Communion is a *sacramental sign of Christ’s spousal union with the Church*, and one’s marital state, accordingly, must be such as to permit one objectively, in truth, to participate in this sacramental sign.

The pertinent question relative to persons in “irregular” marital situations thus can *never* be only whether they sincerely intend to rectify (if possible) this irregularity—or whether they are sincerely convinced that they *have* rectified it—and wish in the meantime to participate in the sacrament of the Eucharist. The question cannot be resolved simply on the basis of whether they themselves are subjectively convinced that they never realized a true marriage. The question, on the contrary, concerns whether their marital situation is objectively such that it permits the

62. All quoted texts in this paragraph are taken from AD.

spousal partners to participate in the Eucharist *truly and objectively as a sacramental sign* of Christ's union with the Church. And the answer to this question involves these persons' own conscientious judgments, to be sure, but only when understood at the same time to *involve also the judgment of those who speak officially-sacramentally on behalf of the Church*. Permitting good intentions on the part of the (would-be) recipients of the sacrament to suffice for reception of the Eucharist, without distinct clarification and judgment by these authorities, would imply inserting the principle of private conscience into the essential meaning of the Church, precisely in the sacramental action that is most proper to her. *Both* the persons living in "irregular situations," on the one hand, *and* the properly appointed authorities of the Church, on the other, must verify that the persons' good intentions are realized in an objective state or condition of life coherent with the sacramental reality in which they mean to participate—a state of life that objectively serves as a sacramental sign of Christ's *real* union with the Church. Otherwise the Church's reality as a *sacramental* unity reduces rather to a kind of "moral" (or intentional) unity resting on the subjective sincerity of those who choose to share in the Eucharist. This, however, would imply that individual conscience has been made a defining principle of the body of persons understood to constitute the reality of the Church. Such an understanding could no longer be properly identified as Catholic. On the contrary, it would signal the Church's acceptance of the modern (Protestant) ecclesiological principle of voluntarism.⁶³

63. It should be clear that I do not mean to address here what is sometimes an extraordinary complexity in reaching a judgment regarding the objective nature of persons' marital situation. Nor am I concerned here with the nature of the particular procedures to be followed in making this judgment. My focus is on the single principle that such situations must include judgment by an official representative of the Church in these matters. This principle holds also in the case of those making "progress bit by bit towards a conscious and fruitful reception of the sacrament" (MG). Of course such progress by the subjects involved is important and these persons should be patiently and faithfully accompanied. The point nonetheless is that the judgment regarding eventual reception of the Eucharist cannot rest simply with the subjects themselves—or on the subjective progress they are making toward integration into the Church. The issue regarding reception of the Eucharist is not (only) a matter of subjective imputability, but (also-essentially) of objective coherence—between one's state of life and the objective meaning of the sacrament of the Eucharist; and judgment regarding such objective coherence must involve

The pertinence of the current legal situation in America to our discussion, as it concerns marriage and the *Obergefell* decision, then, should be clear. America's legalization of "marriage" between persons of any gender (or no fixed gender at all) *changes the nature* of marriage under the guise merely of extending marriage now to include a wider and more varied group of human relationships. Analogously, the current suggestion, in the name of *AL* as defended by Cardinal Ouellet, to permit, even if only on a limited basis, persons in the "irregular marriage" situations described above to receive Communion—on the basis of what is judged to be the sincerity of their conviction—changes *eo ipso* what it means to participate in the Eucharist. The historic Catholic understanding holds that reception of the Eucharist signifies participation by nature in—as a sacramental sign of—the reality of Christ's bodily union with the Church. The exception defended in Ouellet's argument inserts the principle of private conscience into the heart of this objective realism. On the view of *AL* he advances, reception of Communion would be open in principle to all those who are *sincerely-subjectively desirous* of participating in such a sacramental sign, even if their state of life still objectively *contradicted the realism* of this sign. The consequence is that Catholics would be robbed of the true *reality* of Communion as an objective-sacramental sign of their unity in and as the Church actually founded by Jesus Christ.



The foregoing critique intends not at all to deny that *AL* possesses many sound and beautiful statements regarding marriage. The

an official act on the part of those who actually represent the reality of the sacramental Body of Christ.

We should point out here that concern for official-sacramental judgment in the above sense is not at all a matter primarily of being "juridically correct," or of "bureaucrats ensuring formal membership" (as stated by Ouellet). On the contrary, the point is to secure the sacramental realism of the Eucharist for all Church members—to secure, that is, the "sacramental logic" to which Ouellet himself states that he is "personally sensitive."

Finally, I should add that it is irrelevant whether the appeal to the criterion of progress in subjective holiness to determine the legitimacy of persons' participation in the Eucharist is proposed definitively or only for a limited period of time. The logical consequence in either case is the loss in principle of the sacramental realism characteristic of the Church founded by Jesus Christ—and not merely the "juridical" form of the Church.

criticism bears rather on the prevalent extrinsicist reading of the document's pastoral recommendations. The theologians treated defend their arguments primarily in terms of the pastoral recommendations enumerated in *AL*'s chapter 8, taking these to be essentially distinct from doctrinal matters—and indeed to involve a distinctly “pastoral conversion.” The present article, however, has demonstrated that the *pastoral proposals* defended by these theologians in the name of *AL* themselves express “doctrine”—consisting in the extrinsicist conception of moral truth characteristic of modernity as described by Pinckaers, now given a dialectically inverse form.

The problem with this extrinsicist view, we have argued, is not that it grants the subjectivity of the moral agent a central place in the understanding of moral action, but that, while granting this, it fails to integrate the objective action of the generous God that operates naturally within the subject by virtue of creation. The theologians critiqued approach human subjectivity in abstraction from man's natural participation in the truth and good that is (objectively) granted by God in creating man—and which, as natural, may be weakened but never eliminated. Their proposals rest logically, from beginning to end, on this reductively conceived subjectivity that derives from the primitive abstraction characteristic of modernity. The proposals *appear* to be new because they invert the emphasis of modernity from objectivity to subjectivity. Such an inversion, however, still implies a modernity that contradicts the historic Catholic moral-theological tradition, in doctrine and in pastoral practice.⁶⁴ □

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64. The present article has focused on the doctrinal teachings embodied in certain theologians' readings of *AL*, especially regarding some pastoral practices articulated in chapter 8. These theologians' interpretations represent what has become the prevalent understanding of *AL*. My argument, assuming its cogency, raises by implication several further issues that need to be addressed—notably regarding the right interpretation of the text of *AL* itself—in relation to *V/S* and the patristic-medieval doctrinal tradition. But these are complex and subtle issues requiring a distinct study of their own.